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Note verbale dated 21 March 2014 from the Permanent Mission of the Republic of Poland to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights

The Permanent Mission of the Republic of Poland to the United Nations Office and other international organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and has the honour to convey its mid-term progress report of the Republic of Poland with regard to the second cycle of the universal periodic review (see annex).

In this regard, the Permanent Mission of the Republic of Poland kindly requests the secretariat of the Human Rights Council to circulate the present note verbale and annex thereto * to all missions to the United Nations Office at Geneva as a document of the twenty-fifth session of the Human Rights Council under the agenda item 6.

* Reproduced as received, in the language of submission only.

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Annex

[English only]

Mid-term progress report by Poland with regard to the second cycle of the universal periodic review

Recommendation	*Status of implementation – January 2014*
1. To ratify the International Convention for the Protection of All Persons from Enforced Disappearance (1. Spain, 20. Uruguay, 22. Argentina, 23. Chile, 24. France);	On 25 June 2013, Poland signed the UN Convention for the Protection of All Persons from Enforced Disappearance. To ratify the Convention, the national family law needs to be amended. Legislative work is currently underway to introduce the institution of adoption annulment (ex tunc) into the family law, (currently in the Polish law there exists only the institution of adoption denouement (ex nunc).
2. To ratify the Convention on the Rights of Persons with Disabilities including its Optional Protocol (2. Spain, 7. Estonia, 16. Republic of Korea, 17. Slovakia, 18. Argentina, 19. Austria, 21. Uruguay);	Poland ratified the Convention on 25 September 2012. An interpretative declaration and a reservation were respectively made regarding Article 12 paragraph 4 and Article 23 paragraph 1(a) of the Convention. Work is underway to amend the provisions of the Civil Code and the Family and Guardianship Code in order to ensure full compatibility of the Polish legislation with the Convention. In September 2014, Poland will present a report on the implementation of the Convention to the Committee on the Rights of Persons with Disabilities. An analysis of the possibility and desirability of ratification of the Protocol will be carried out after the practice of applying the protocol becomes well-established, and when the different possible interpretations of the Convention are formulated, including the interpretations made as part of the complaint handling process.
3. To ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (3. Spain, 5. Switzerland, 6. Estonia, 8. France, 9. Uzbekistan);	The ratification procedure required the consent of the Parliament, which was granted. The document awaits its final ratification by the President of the Republic of Poland.
4. To ratify the Protocol to the International Covenant on Economic, Social and Cultural Rights (4. Spain);	An analysis of the possibility and desirability of ratification of the Protocol will be carried out after the practice of applying the protocol becomes well-established, in particular, when the different possible interpretations of the Covenant are formulated as a result of handling of complaints by the Committee on Economic, Social and Cultural Rights.
5. To reconsider ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (10. Mexico, 11. Morocco. 12. Peru, 13.	In 2013, updates were made to the 2004 analysis of the compatibility of Polish legislation with the Convention. In previous years some amendments were introduced to the national legislation to address the situation of foreigners and the conditions for employment of foreign nationals in Poland. However, the scope of those amendments was not sufficient to

Recommendation		*Status of implementation – January 2014*
	The Philippines. 15. Egypt); To take steps to align the migration policy with the standards set out in the Convention (36. Mexico);	allow ratification of the Convention. Poland guarantees regular migrant workers and members of their families the majority of rights accorded under the Convention. At the same time, however, Poland does not conduct a workers' immigration policy - its labour market is, in principle, closed to foreigners (except for citizens of EU Member States). In addition, in view of the limited scale of current emigration and immigration, there is no need to expand migrant workers assistance services, as required by the Convention.
6.	**Reiteration of the recommendation for Poland to consider ratifying the ILO Convention no. 189 on Domestic Workers (14. The Philippines)**	An analysis of the possibility and desirability of the ratification is being carried out.
7.	**To consider an early ratification of the newest international human rights instrument – the third Optional Protocol to the UN Convention on the Rights of the Child on communication procedure (25. Slovakia);**	Poland signed the Protocol on 30 September 2013.
8.	**To ratify the Kampala amendment to the Rome Statute in order to ensure that as 2017, where possible, the jurisdiction of International Criminal Tribunal extends to the crime of aggression (26. Liechtenstein);**	Poland is committed to ratify the amendments and the ratification procedure is ongoing. The law authorizing the President to ratify the Kampala amendments was passed by the Polish parliament on 21 February 2014.
9.	**To consider the signature and ratification of the Convention of the Council of Europe on prevention and combatting violence against women and domestic violence (27. Norway, 28. Austria);**	On 18 December 2012 Poland signed the Convention of the Council of Europe on prevention and combatting violence against women and domestic violence. Work is underway on a legislative proposal enabling the ratification of the Convention. Measures are taken to ensure the compatibility of Polish law with the provisions of the Convention. The already adopted changes include, inter alia, the introduction of an amendment to the Criminal Code to allow ex officio prosecution of the crime of rape.
10.	**To take necessary measures to ensure the full effectiveness of the International Covenant on Economic, Social and Cultural Rights in the Polish legislative system (29. Uruguay)**	Poland fully implements the provisions of the International Covenant on Economic, Social and Cultural Rights – this is done through the national legislation and implementation of the programmes. The Covenant imposes an obligation on the states parties to shape their national legislation in such a way as to ensure that every one can enjoy the rights recognized in the Covenant, and to gradually take steps, to the maximum of their available resources, with a view to achieving progressively the full realization of those rights (Article 2.1). Under the Covenant, the citizens are entitled

Recommendation	*Status of implementation – January 2014*
	to expect that the state will adopt political decisions which will create the adequate conditions for the implementation of those rights. Only some of the rights specified in the Covenant (the right to establish trade unions, the right to education), which are also recognized as civil and political rights under other international agreements, are subjective rights. In Poland, it is for independent courts to determine whether the provisions of the Covenant are self-executing and consequently can be legally pursued. The ability to derive from the Covenant an entitlement to file individual claims is assessed on the basis of a detailed analysis of the Articles used as the legal basis for the complaints. In so far as the court finds that the application of a provision of the Covenant is not conditional on the enactment of a law, the provision may be directly invoked by individuals before national courts.
11. To continue the activities carried out by the Government Plenipotentiary for Equal Treatment (30. Republic of Moldova);	The Government Plenipotentiary for Equal Treatment performs the tasks conferred upon her under the Act of 3 December 2010 on the Implementation of Certain European Union Legal Provisions on Equal Treatment. In 2012, acting within the scope of her competence, the Plenipotentiary took a series of actions to eliminate or reduce the consequences arising from the violation of the principle of equal treatment, continued to promote, disseminate and popularize the issues of equal treatment, and conducted the monitoring of compliance with the principles of equal treatment.
12. To take steps to ensure the acceptance and the general public knowledge of the existing measures for the legal protection of children (31. Sweden);	Promotion of children's rights and the means of protecting such rights is a statutory obligation of the Ombudsman for Children. The Ombudsman was established by the Act of 6 January 2000 on the Ombudsman for Children. The initiatives undertaken by the Ombudsman are intended to improve and consolidate the knowledge of children's rights among children themselves as well as among adults. During the entire period of the existence of the Office, a number of initiatives have been undertaken to promote the rights of children. The major initiatives include: • promotion of children's rights during the meetings of the Ombudsman with children and youth, organization of training courses and workshops addressed to kindergarten, primary and lower and upper secondary school children. Celebration of the Year of Janusz Korczak in 2012 provided an additional opportunity to promote children's rights. • running the Children's Rights Information Centre whose goal is to collect and promote the knowledge concerning the observance of the rights of the youngest citizens.

Recommendation	*Status of implementation – January 2014*
	• management of the Strefa Młodych (Youth Zone) website (www.strefamlodych.pl) – a special website of the Ombudsman for Children, co-written by young people. • development of the "Recommendations on acting in children's best interests". The Ombudsman for Children, in cooperation with the Minister of Justice, Minister of the Interior, General Prosecutor's Office, Minister of Labour and Social Policy, Minister of National Education and the National Police Headquarters, prepared a document containing practical advice and guidelines concerning the child's basic needs which have to be addressed during an intervention by the state services. Legal education in lower and upper secondary schools is the responsibility of the Ministry of National Education and of the Ministry of Justice. The Code of Criminal Procedure provides for a special hearing procedure, i.e. in principle a one-time hearing, for a person who on the day of being interrogated as a witness in cases relating to certain crimes was under the age of 15 years (Article 185a, Article 185b of the Code). Information about the above hearing procedure and the friendly interrogation rooms is provided to the general public through training courses targeting professionals, as well as through numerous conferences organized by, or with the participation of, the representatives of the Ministry of Justice. The Ministry of Justice joined the Coalition for Child-Friendly Interrogation established on the initiative of the Nobody's Children Foundation. The Foundation developed the standards for interrogating children (place and procedure of interrogation) which are recommended by the Ministry of Justice and have been distributed to all courts and prosecutors' offices across Poland. The Ministry of Justice granted its patronage over the information campaigns organized by the Nobody's Children Foundation under the "Child on the Web" and "Child – a Vulnerable Witness" programmes. Information concerning children's rights and counteracting violence against children is also available on the official website of the Ministry of Justice and on the www.pokrzywdzeni.gov.pl and www.ms.gov.pl/dzialalnosc/przeciwdzialanie-przemocy-wobec-dzieci/ website. It is also published by the Ministry of Health on its websites. Moreover, in specific cases, special communications are sent to health care facilities and replies to all questions are provided.
13. **To maintain the level of allocation of financial and human resources that enables effective**	The Office of Ombudsman is a non-governmental entity. In accordance with Article 139 (2) of the Act of 27 August 2009 on Public Finance, the Minister of Finance enters the revenue and expenditure of the Ombudsman in the draft Budget Act. In the

<table>
<tr><th>Recommendation</th><th>Status of implementation – January 2014</th></tr>
<tr><td>implementation of the mandate of human rights organizations (32. Morocco, 34. Spain, 35. Australia);</td><td>draft budget acts, the expenditure in Section 08 – The Ombudsman – is planned in amounts submitted by the Ombudsman. However, the changes to the amount of expenditure can be made during the parliamentary work.

Expenditure in the years 2008 -2012 was as follows:

Modified plan (in PLN thousand) Execution (in PLN thousand)
2008 32,302 31,301
2009 33,416 33,325
2010 33,945 33,560
2011 35,675 34,645
2012 38,019 36,533

In the Budget Act for 2013, the expenditure allocated under Section 08 – The Ombudsman amounted to PLN 39.164 thousand.</td></tr>
<tr><td>14. To allocate additional financial resources necessary for the performance of new duties by the Office of the Polish Ombudsman who is responsible for giving assistance to the alleged victims of discrimination, conducting an independent investigation and providing recommendations aimed at ensuring equal treatment (33. Norway);</td><td>The financial resources necessary for the performance of Office of Ombudsman new duties aimed at The National Preventive Mechanism and ensuring equal treatment amounted to 1,000 (PLN thousand) in 2012 but no additional resources were allocated in the year of 2013 and 2014. The Office of Ombudsman will seek to increase financial resources in future.</td></tr>
<tr><td>15. To launch a national plan or programme to ensure the full enjoyment of all human rights by women (37. Mexico);</td><td>In December 2013, the Polish government adopted the National Programme of Measures for the Advancement of Equal Treatment. The document defines the goals and priorities of actions promoting equal treatment, particularly in the area of: 1) raising the public awareness of equal treatment, including the causes and consequences of violation of the principle of equal treatment; 2) preventing violation of the principle of equal treatment; 3) cooperation with social partners, non-governmental organizations and other entities with a view to promoting equal treatment.</td></tr>
<tr><td>16. To ensure that adequate measures provided for in the law on lustration comply with the Polish obligations under fundamental international human rights instruments (38. Russian Federation);</td><td>At present, the matters relating to the so-called “lustration” are governed by the Act of 18 October 2006 on Disclosure of Information about State Secret Service Documents dating from 1944-1990 and the Contents of Such Documents. The provisions are consistent with the generally applicable human rights standards. The truthfulness of lustration declarations is decided by an independent and impartial tribunal established by law. The lustration proceedings are in principle open to the public, unless there are exceptional circumstances (e.g. the need to protect personal rights of the person subject to lustration) which justify closing the hearing to the public. The decision on this matter rests</td></tr>
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Recommendation	*Status of implementation – January 2014*
	with the court. The proceedings are subject to all the provisions of the Code of Criminal Procedure which guarantee a fair trial. The final decision of the court always contains a written statement of reasons and is subject to review. In the recent years Poland has taken a number of measures to change the legislation which provided grounds for allegations of non-compliance with international standards, particularly with respect to the following matters: 1) the scope of use and the content of the classified material used in the lustration proceedings and 2) the ways in which classified material may be made available and the possibilities of using classified material by parties to the trial. In 2010, the provisions governing the lustration proceedings were substantially amended. The legislative amendments resulted in a considerable reduction of the amount of classified materials which may be used during lustration proceedings. On 13 March 2012, the Ordinance of the Minister of Justice of 20 February 2012 entered into force which determines the procedures for handling protocols of interrogation and other documents or objects subject to the obligation of secrecy of classified information and to the obligation of secrecy associated with the exercise of a profession or function. The Act provides for the possibility of, inter alia, making copies, duplicates or extracts of the classified materials.
17. **To take measures in order to ensure that all disadvantaged groups (including illegal immigrants) have full access to education and health care (39. The Holy See);** **To take measures in order to ensure that all children in the country have full access to education (111. India);** **To guarantee the access to basic social services for illegal immigrants' children, including education and health care (119. Uruguay);**	Access to health care Under the Public Health Insurance Act, every person within the territory of Poland is entitled, in the event of sudden illness, to receive assistance in the nearest health care facility. This provision also applies to foreign nationals, including these ones staying illegally. The Act of 15 April 2011 on health care activity provides that no health care facility may refuse assistance to a person in need of such assistance due to a serious or life-threatening situation. In accordance with Article 73 (1) of the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland, foreigners applying for refugee status are entitled to the same range of health care services as those offered to persons covered by compulsory or voluntary health insurance under Act of 27 August 2004 on health care services financed from the public funds, with the exclusion of treatment in health resorts. Basic health care services are provided by medical facilities located in all centres for asylum seekers. Specialized medical examination and consultations ordered by the doctors, as well as in-patient treatments are provided by the Central Clinical Hospital of the Ministry of the Interior or other health care facilities with which the hospital has signed on a contract. Foreigners who are staying in Poland illegally (including minors) are entitled to receive medical care free of charge starting from the day when they are detected as illegal immigrants and

Recommendation	*Status of implementation – January 2014*
	apprehended for the purpose of return procedure (and then placed in guarded centers). Access to medical care for this category of foreigners is governed by the Act of 13 June 2003 on foreigners. As regards the provision of health care services to foreigners staying in guarded centres for foreigners (places of detention for persons awaiting deportation), the needs in this respect are fully met by the existing system. Each foreign national before his placement in a detention centre undergoes medical examination to make sure there are no counter-indications to such detention. The medical examinations are ordered at least once a month. The responsibility for the quality and organization of medical services provided to foreigners in guarded centres lies with the Public Health Care Facilities or external entities which perform their activities based on a civil law contract. Foreign nationals are under the care of medical practitioners. One of the rights of foreigners is to receive medical care and be admitted in a health care facility if their state of health so requires. The costs of examination are covered by the national budget from the part thereof which is administered by the Minister in charge of the Interior. Access to education Article 70 of the Polish Constitution guarantees the right to education for all and provides that education is compulsory until the age of 18. Education in public schools is provided free of charge. The Article also applies to foreign minors. Consequently, Poland grants the right to education to all non-Polish nationals who are subject to compulsory education at public kindergartens, primary schools, lower and upper secondary schools, public art schools, and establishments under the same conditions as apply to Polish citizens, until 18 years of age or completion of upper secondary school. The matters are regulated in more detail by the Act of 7 September 1991 on Education System, as well as by the Regulation of the Minister of National Education of 1 April 2010 on admission of foreign nationals to public kindergartens, schools, teacher training institutions and establishments and on organization of additional Polish language courses, additional remedial classes and courses on the language and culture of the country of origin (which replaced the Regulation of the Minster of National Education of 4 October 2001). The new Regulation substantially facilitates the procedure of admission of foreigners to schools and regulates issues such as the cost of tuition at public schools and the way in which additional Polish language courses may be organized. The Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland provides for social assistance for refugee children who attend school in Poland (including courses of the Polish language and basic materials for learning the language). Each of the centres for foreigners employs a teacher of Polish. Practically all children staying at the centres attend school appropriate for their age. On 10 September 2013, there were 932 children aged 6-12 years under the care of the Office for Foreigners, 90% of which enrolled in schools for the nearest school year (in that practically all children staying at the

Recommendation	*Status of implementation – January 2014*
	centres for foreigners). The remaining 10% are children staying with their parents outside the centre. The children are enrolled in schools by the parents and the Office is progressively informed about such enrolments. The curricula are developed by the teachers on the basis of Regulation of the Minister of Education of 1 February 2007 on the framework programme of the Polish language courses for refugees and are adapted to the children's age, also taking into account the length of their stay in Poland and the level of proficiency in Polish.As a result of transposition of the Directive 2008/115/EC of the European Parliament and of the Council on common standards and procedures in Member States for returning illegally staying third-country nationals, as of 2011 minors staying in a guarded centre have the right to engage in didactic and educational activities as well recreational and sports activities appropriate to the children's age and the length of their stay in Poland. The teachers, coming from public schools, deliver lessons in classrooms specially adapted for the purpose in guarded centers, using the same instructional materials as those employed in public schools. In order to improve the educational conditions in guarded centers two guarded centers were selected as detention facilities dedicated to families with children (and only one of them – to unaccompanied minors).
18. To take immediate action to prevent the reoccurrence of inter-ethnic violence and to promote understanding between different nationalities (40. Lithuania);	The Decree no.6 of Prime Minister of 13 February 2013 established the Council for Prevention of Racial Discrimination, Xenophobia and Related Intolerance (Monitor Polski, the Official Journal of the Republic of Poland, of 15 February 2013, item 79). The Council's tasks are to: ensure the coordination of actions of the government authorities and their interaction with local governments and other entities in preventing and combatting racial discrimination, xenophobia and related intolerance, monitoring and analysis of the areas where the acts of discrimination, xenophobia and related intolerance occur in public life. A Team for Preventing Acts of Xenophobia and Racism in the Podlaskie voivodeship was established. The Team's activities resulted in significant improvement of the interaction between non-governmental organizations, higher education institutions and services responsible for the safety of the residents of Białystok, including foreigners. Further actions include: intensification of operational and investigative activities, increased police supervision of selected housing estates in Białystok, telephone helplines for foreigners launched by the Police and Border Guard (in the Russian and English language), anti-discrimination training for the representatives of the Border Guard Headquarters and the heads of guarded centres for foreigners. On 3 July 2013, a pilot project was launched aimed at mobilizing the local communities at housing estates in Białystok where acts of racism occurred. Nineteen organizations joined the programme as partners (non-governmental organizations, schools and housing associations).

Recommendation	*Status of implementation – January 2014*
	Prevention of hate crimes is one of the topics covered in the training courses for police officers concerning counteracting hate crimes and discrimination of foreigners. The issue of hate crimes has also been addressed in the Law Enforcement Officers Programme on Combating Hate Crimes. Local police units organize or participate in educational activities targeting children and youth, as well as in meetings with school students. Human rights advisors to the chiefs of voivodeship police /to the chief of the Metropolitan Police and representatives of local police units are invited to meetings, seminars and conferences organized by external entities, which are devoted to the issues of human rights and hate crimes. Human rights advisors to the chiefs of voivodeship police/to the Chief of the Metropolitan Police are in permanent contact with non-governmental organizations which are often the first to receive notification of the occurrence of a hate crime. More extensive cooperation has been established with LGBT rights organizations e.g. with the Campaign Against Homophobia (Polish: Kampania Przeciwko Homofobii) or the Trans-fuzja foundation. Human rights advisors attended special training organized by the Campaign Against Homophobia during which a programme of local meetings between police experts and the LGBT community was prepared. The local police units cooperate with a number of public and government authorities. In the eastern voivodeships permanent cooperation was established with the Border Guard units. Police and Border Guard officers work together to provide support to persons staying at refugee centres and to recognized refugees by e.g. organizing information and educational meetings for those persons. In view of the development of tourism in Poland, the preventive activities undertaken by the police are aimed mainly at protecting foreign nationals who may report problems and seek help with the police through the country-wide telephone helpline available in the English and Russian languages. Moreover, the police distribute brochures for foreigners containing information about the ways in which the police may be contacted in a difficult situation. The police take a number of actions at field level aimed at protecting groups and places which are particularly vulnerable to hate-motivated violence. In certain voivodeships it is becoming a common practice for the district police officers to establish contact with the families of foreign nationals living in a given region. In December 2012, the National Police Headquarters prepared The targeted police strategy for the development of human rights protection system in the years 2013-1015. One of the lines of action indicated in the Strategy is "Strengthening of the police activities aimed at counteracting the violence motivated by race, ethnic origin, nationality and other factors".
19. To inform the Council about	The Constitution of the Republic of Poland prohibits corporal

Recommendation	*Status of implementation – January 2014*
the measures taken in order to ensure that the provisions prohibiting the use of corporal punishment in all circumstances are enforced throughout Poland (41. Hungary);	punishment (Article 40 sentence 2 in conjunction with Article 31 sentence 1 of the Constitution). Also, the Family and Guardianship Code prohibits the use of corporal punishment by persons exercising parental authority or guardianship over a minor. Moreover, personal inviolability is guaranteed under the Criminal Code which penalizes this kind of behavior, differentiating it according to the consequences, i.e. types of bodily injury suffered by the victim. The Ministry of Justice carries out regular information activities directed at persons affected by violence in the family, irrespective of their age or sex, and information campaigns about the rights of children. The campaigns also address the issues of physical violence against children. The principal body responsible for the protection of children's rights and protection against corporal punishment is the Ombudsman for Children. Given the fact that year 2012 was designated by the Polish Parliament as the Year of Janusz Korczak, the Ombudsman for Children conducted a social campaign entitled: There are no children, just people. The objective of the campaign was to raise awareness of the need to treat children as individual human beings and highlight the fact that children have an inalienable right to decent and respectful treatment. The events included a series of conferences in 16 voivodeship capitals and an international congress devoted to children's rights. The Warsaw Declaration was adopted which called for the observance of the Convention on the Rights of the Child. In May 2013, the Ombudsman for children ran a social campaign entitled: React. It's your right whose main goal was to change the passive attitudes of adults to acts of child abuse and to reduce the level of social acceptance of violence. In 2011-2012, a survey commissioned by the Ombudsman for Children was carried out concerning social acceptance for spanking and using corporal punishment in child rearing. Additionally, in 2012 a study was conducted to examine social attitudes concerning direct response to situations of violence against children.
20. To confirm in practice the status of standing invitation to carry out special procedures, in particular to issue an invitation to the Special Rapporteur on Torture, Working Group on Arbitrary Detention and Working Group on Disappearances (42. Belarus)	In 2001 Poland extended a standing invitation to all special procedures of the Commission on Human Rights since Poland attaches great importance to their effective functioning. Any request for a country visit will be positively considered.
21. To adopt legislation in line with the international standards on combatting discrimination against	Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) entered into force in Poland on 3 September 1981. The Amsterdam Treaty came into force on 1 May 1999, and Poland has been implementing all subsequent EU legal acts dealing with the issue of combating discrimination

Recommendation	*Status of implementation – January 2014*
women (43. Belarus);	against women. Provisions of the above mentioned acts have been adapted to the national legislation in Poland. The government continues to work towards improving the national policy and legislation on elimination of all forms of discrimination against women as evident in VII and VIII reports on the implementation of CEDAW Convention.
22. To develop and start the implementation of strategies for reducing the pay gap between men and women, also in the sector of low-paid jobs performed by women (44. Uzbekistan)	Polish law guarantees equality of men and women in the labour market. According to the Eurostat data (2010), the pay gap between men and women in the EU as a whole is about 16%[1]. In Poland, it is about 4.5 %. Nevertheless, the problem of the pay gap is the priority for actions aimed at ensuring equal opportunities for men and women in the job market. Measures to reduce the pay gap in Poland are implemented under the projects co-financed by the European Social Fund, in particular "Increasing social and economic activity of women at the local and regional level" and "Reconciliation of family and professional roles for men and women" projects. Both projects are expected to indirectly affect women's pay and contribute to the equalization of pay between men and women by raising awareness of equality in the labour market, creating a positive climate for women's activity, equalizing opportunities in the job market, also through the access to expertise concerning the equalization of opportunities in the labour market, and overcoming stereotypes concerning roles of men and women in the society. Reduction of the pay gap by eliminating the disparity in pay between men and women doing the same work or work of equal value is one of the specific objectives of the National Programme of Measures for the Advancement of Equal Treatment 2013-2016.
23. To intensify the efforts to counteract crimes motivated by racial hatred by ensuring that all such incidents are subject to thorough investigation and the perpetrators are brought to justice, and to constantly raise the public awareness of the problem (45. Malaysia); **To take additional action to counteract the crime of incitement to hatred and to promote the fight against discrimination and racism (46. Peru);** **To strengthen the measures aimed at preventing racially-motivated violence and**	Polish law provides sufficient protection against hate crimes. The perpetrator's bias motivation is regarded as an aggravating circumstance which is taken into account by the court in the determination of the penalty (Article 53 of the Criminal Code). There are no grounds for taking legislative action aimed at penalizing the "hate speech" motivated, inter alia, by exual orientation or gender identity. Protection against hate speech motivated by different sexual orientation is based on the general principles laid down in the Criminal Code, specifically on Article 212 thereof, and on the provisions set out in the Act of 23 April 1064 The Civil Code [2] concerning the protection of personal rights. Polish legislation is consistent with Poland's international obligations which require the criminalization of hate speech acts which are threatening, abusive or insulting or are likely to disturb the public order. Despite this, the Criminal Law Codification Committee has prepared draft amendments to the Criminal Code aiming inter alia at further strengthening of the criminal law protection against

[1] Based on the EUROSTAT methodology: average gap between hourly pay for men and women.

[2] Journal of Laws of 1964 no 16, item 93, as amended.

Recommendation	*Status of implementation – January 2014*
discrimination against foreign nationals, especially the Muslims, Roma and persons of African descent (47. Republic of Korea); **To continue efforts to investigate racially-motivated crimes and bring the perpetrators to justice in order to ensure safety and dignity to disadvantaged groups (48. Switzerland);** **To implement legislative solutions which criminalize the promotion of racial hatred and discrimination and to continue promoting tolerance through social and educational campaigns (49. Thailand);** **To consider the adoption of standards in the national legislation which ensure more effective fight against discrimination (52. Argentina);** **To reinforce strategies and programmes for combatting discrimination and intolerance and to endeavour to ensure prompt and independent investigation as well as effective prosecution of such incidents (53. Austria);** **To intensify action against incitement to hatred on the grounds of nationality or religion and to xenophobia (54. Iraq);** **To adopt effective anti-discrimination strategies and address the problem of hate crimes by carrying out a thorough investigation of such incidents (55. Brazil);** **To strengthen efforts , during the law-making and enforcement process, to combat incitement to racial**	discriminatory behavior. The Ministry of Justice collects detailed statistical data concerning selected crimes, including crimes motivated by intolerance, xenophobia and hatred. The data is supplied to the Ministry by the courts each time a court has issued the final verdict in such matters. Such data is also collected on a periodic basis as part of the statistical reporting framework. Moreover, statistical data is obtained annually from the National Criminal Register which contains information on all persons convicted of crimes, including crimes on the ground of racial hatred, racial discrimination and xenophobia. In addition, the Ministry of Justice performs qualitative analyses of the court judgments passed in the cases involving crimes on the grounds of racism, discrimination and xenophobia. The Ministry subsequently uses the accumulated statistical data to monitor the issues of discrimination, to identify practical problems related to those issues, to determine the scale and dynamics of the phenomenon, and to assess the need to take possible legislative steps or other type of action. Under the Act on access to public information, such data is also available to each person and organization interested in the problem. The processed data is published on the Ministry of Justice website (http://bip.ms.gov.pl/pl/dzialalnosc/statystyki/); additional data is made available upon request. In 2013 the Human Rights Protection Team in the Ministry of the Interior initiated work to broaden the analytical activities performed as part of the hate crime monitoring scheme. The key purpose of the activities will be to acquire more detailed information than that obtained so far concerning the specific nature of the monitored incidents, actions taken by law enforcement authorities and the penalties and punitive measures applied. The information gathered will be subject to statistical analysis to provide a detailed picture of the phenomena of racism, xenophobia and hate crimes. Furthermore, the Ministry of Administration and Digitization keeps an extensive database on ethnic minorities in Poland. The Ministry's website contains a wealth of information on ethnic and national minorities in Poland as well as a list of institutions and entities active in the fight against ethnic discrimination. In addition, the Council for Prevention of Racial Discrimination, Xenophobia and Related Intolerance was established by the Decree no. 6 of Prime Minister of 13 February 2013. One of the principal objectives set out in the National Programme of Measures for the Advancement of Equal Treatment 2013-2016 is to counteract the pnysical and psychological violence and hate speech directed at persons belonging to groups at risk of discrimination. In this respect, activities have been planned to enhance the public knowledge about violence against persons of non-Polish ethnic or national origin, specifically by

Recommendation	*Status of implementation – January 2014*
and religious discrimination on the Internet (56. China); **To take effective actions to fight racism and incitement to racial hatred (57. Cuba);** **To adopt and enact new laws to criminalize racist crimes, racially motivated crimes and hate crimes; to institutionalize the national mechanism for collecting data on the incidents of racism, discrimination on the grounds of racism and xenophobia, and mechanisms for monitoring such incidents; to adopt laws and take specific measure to ensure the conduct of a prompt, impartial and independent investigation, as well as prosecution and punishment of persons using racist or racially motivated hate speech and perpetrating discrimination or crimes on those grounds (60. Egypt);** **To conduct, within the framework of the judicial procedure, a prompt, independent, objective and appropriate investigation into racially motivated crimes and hate crimes (64. Uzbekistan);** **To implement more efficient monitoring of the cases of suspected discrimination, hostility on the ground of ethnicity or nationality, or racial or ethnic hatred (65. Uzbekistan);** **To complement the provisions of the national Criminal Code on hate speech with provisions related to sexual orientation and gender identity and adopt appropriate legislative measures acknowledging sexual orientation and**	monitoring hate crimes committed on the grounds of national and ethnic background and by subsequently analyzing the information in order to draw up a description of the phenomenon. The National School of the Judiciary and Public Prosecution, in fulfilling one of its main statutory tasks, such as training and professional development of the Staff of Common Courts and Public Prosecutors' Offices, conducts, inter alia, training which covers the issues of equality and anti-discrimination. Each appellate prosecutor's office has appointed a special coordinator responsible for monitoring this type of proceedings and providing advice and consultation to prosecutors who conduct those proceedings. In August 2013, each regional prosecutor's office, designated one district prosecutor's office responsible for prosecuting this type of cases. At the same time, each of the selected district prosecutor's offices appointed two prosecutors responsible for proceedings related to hate crimes. Moreover, twice a year, Prosecutor General's Office, on the basis of the materials provided by all appellate prosecutor's offices, undertakes analysis of the cases concerning hate speech. The results of the analysis are distributed to all prosecutor's offices in Poland and are also available on the Prosecutor General's Office website. In addition, Prosecutor General's Office prepared and distributed guidelines for prosecutors on the conduct of the criminal proceedings concerning hate crimes. Furthermore, there has been organized a number of trainings and workshops addressed to prosecutors, on the crimes motivated by hatred. The structure of the Department of Control, Complaints, and Petitions of the Ministry of Interior incorporates the Human Rights Protection Team. One of the Team's main tasks is to monitor the instances of hate crimes. The monitoring involves the collection of information concerning the events which may be crimes or incidents motivated by hate and subsequently monitoring the treatment of such cases by the judiciary system and law enforcement agencies from the time of occurrence of the event, until the completion of the activities by relevant entities. At the same time, in order to ensure that police officers receive appropriate training on the correct procedures for investigating hate crimes, training courses are provided to police services under the Law Enforcement Officers Programme on Combating Hate Crimes. Furthermore, the Ministry of the Interior undertakes activities aimed at informing the potential victims about issues related to hate crimes and measures taken by law enforcement agencies in connection with such cases. The Ministry of the Interior, with the support of the European Fund for the Integration of Third-Country Nationals, implements a project entitled: Immigrants faced with hate crimes – how to assert your rights effectively, whose main purpose is to conduct an information campaign directed at third country nationals staying in the Republic of Poland. The aim of the campaign is to enhance foreigners' awareness of the hate crime law applicable in Poland.

Recommendation	*Status of implementation – January 2014*
gender identity as the basis for potential discrimination in all contexts (66. Slovenia); **To acknowledge gender identity as the basis for potential discrimination and sexual orientation and gender identity as aggravating circumstances in the case of hate crimes (68. Great Britain);** **To reinforce anti-discrimination legislation in order to ensure more efficient protection of LGBT persons and persons with disabilities (70.Austria);** **To adopt strategies guaranteeing the rights of LGBT persons and combatting discrimination on the grounds of sexual orientation (71. Brazil);**	In April 2012, Poland joined the project entitled: Combatting discrimination based on sexual orientation or gender identity whose goal is to implement Recommendation CM/Rec (2010)5 of the Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity. On 18 July 2012, the Plenipotentiary, in cooperation with the Council of Europe, held a conference to launch the project in Poland. The conference discussed the results of the survey carried out by the EU Union Agency for Fundamental Rights and the standards adopted by European international organizations for counteracting discrimination against LGBT persons. Representatives of the government, Ombudsman, and non-governmental organizations presented the diagnosis of the current situation in Poland from the point of view of the institutions and organizations they represent. The National Programme of Measures for the Advancement of Equal Treatment aims to strengthen the action to counteract physical and psychological violence and hate speech directed at members of groups vulnerable to discrimination. LGBT persons are one of such groups. It seems necessary to raise the awareness of violence against LGBT people. Therefore, the implementation of the National Programme includes the monitoring of hate crimes committed on the grounds of sexual orientation and gender identity and subscquent analysis of the information in order to draw up a description of the phenomenon. Additionally, the Programme puts forward measures to support groups facing discrimination in the labour market, including discrimination on the grounds of sexual orientation, and to change the biased media portrayal of persons from groups vulnerable to unequal treatment. Poland ratified the Convention on the Rights of Persons with Disabilities on 25 September 2012. Exhaustive information on the implementation of the Convention by Poland will be provided in the report which will be submitted to the Committee on the Rights of Persons with Disabilities in September 2014. Protection of employees against discrimination on any ground, guaranteed by the Labour Code, ensures effective protection for all persons who are discriminated against. Pursuant to Article 11 of the Labour Code, any form of discrimination in employment, whether direct or indirect, including discrimination on the grounds of disability or sexual orientation, is prohibited. Employees have equal rights for the equal performance of the same obligations. Protection against discrimination on any ground is also afforded by the Act on employment promotion and labour market institutions. The scope of this protection is deemed to be sufficient. The Act includes an explicit guarantee (Article 2a) of equal access to and equal opportunities in the labour market, regardless of sex, race, ethnic origin, nationality, religion, denomination, worldview, disability, age or sexual orientation. Proceedings concerning the violation of the principle of equal treatment are governed by the provisions of the Act on implementing certain provisions of the European Union in the field of equal treatment. Moreover, the Act on employment promotion and labour market institutions contains penal provisions to be applied in the case of violation of the

Recommendation	*Status of implementation - January 2014*
	principle of equal treatment. The National Labour Inspectorate employs three kinds of measures to enforce compliance with the provisions on equal treatment in employment: • prevention • counselling • control checks of employers who have been reported to use discriminatory practices. (For more information, please see response to Recommendation no. 40, 50, 51)
24. To organize social campaigns and governmental training programmes and to ensure better enforcement of legislation against discrimination and hate crimes in order to fight anti-Semitism and discrimination against ethnic minorities (50. The United States);	As part of the educational activities in the Polish Police force, the Law Enforcement Officers Programme on combating hate crimes was implemented (LEOP). The programme was carried out in cooperation with the Office for Democratic Institutions and Human Rights at the Organisation for Security and Cooperation in Europe (ODIHR OSCE). The LEOP aims to ensure safety for all persons who may potentially fall victim to hate-motivated crimes. Its purpose is to improve the officers' skills necessary to handle the cases of potential hate crimes, to teach them the appropriate conduct towards victims of such crimes and to make them sensitive to the issue of discrimination, including acts of discrimination perpetrated by police officers. Police force lecturers, non-governmental organizations active in combating racism, neo-fascism and representing different minority groups at risk of bias-motivated crimes, as well as representatives of national and ethnic minorities participate in the running of such training courses. Between 15 and 17 May 2013, the Jewish Center in Oświęcim held a history and anti-discrimination seminar addressed to Police officers whose daily responsibilities include running anti-discrimination education in the Police force and prevention of hate crimes. The seminar followed the methodology used by the American organization "Facing History and Ourselves". It was conducted by qualified anti-discrimination trainers from the Jewish Centre in Oświęcim. The seminar was attended by the Polish human rights advisers. (For more information, please see response to Recommendation no. 40 and 51)
25. To take de facto and de iure measures to fight discrimination against illegal immigrants (51.Uruguay);	Poland has implemented into its national legislation (Act of 13 June 2003 on Foreigners) the provisions of the Directive 2008/115/EC of the European Parliament and of the Council on common standards and procedures in Member States for returning illegally staying third-country nationals (the Return Directive). As a result of transposition of the Directive, the following changes in favour of foreign nationals were introduced into the Polish law: • the period for voluntary departure from the territory of Poland indicated

Recommendation	*Status of implementation – January 2014*
	in the return decision was extended from 7- 14 days to 15-30 days. • in exceptional cases, the period for voluntary departure may be extended for a maximum of one year. • introduction of the return decision which specifies the length of re-entry ban and of the possibility of applying for withdrawal of the entry ban. • informing the foreign nationals who are staying in a Member State illegally, but have the valid permit to stay in another Member State, of the necessity to go to the other Member State, without applying criminal or administrative sanctions. In addition, the Act of 12 December 2013 on Foreigners which is to enter into force on 1 May 2014 provides for further alignment of the Polish legislation with the requirements of the Return Directive, including the use of alternative measures to detention (the handing over of the travel document, deposit of financial guarantee, the obligation to report to the relevant authority, the obligation to stay at a designated place) and introduction of provisions on the monitoring of forced returns (in practice, the pilot programme for the monitoring of forced returns by non-governmental organizations has been running since 2010). (For more information, please see response to Recommendation no 40 and 50)
26. **To take effective action against police brutality (58. Cuba);**	Since January 2010, a mechanism has been in place in the Police force and Border Guard whereby complaints and other information are transmitted to the Ombudsman who acts as an independent authority examining police misconduct. Under the mechanism, two types of information are transmitted to the Office of the Ombudsman. The first type are allegations of human rights violations contained in the re-submitted complaints concerning the misconduct of the Police and Border Guard officers. The other type is information on events which, due to an act or omission by an officer, resulted in death, infringement of sexual freedom, or unjustified use of coercive measures or violence. The Office of the Ombudsman, having received the above information, may decide to carry out an independent investigation into a given case, acting under the powers granted to it by the Act on Ombudsman. One of the tasks of the Human Rights Protection Team operating within the Department of Control, Complaints, and Petitions of the Ministry of the Interior is to monitor the situations where the Police officers may have violated the human rights of persons subject to police procedures. The main source of information for the Team are press materials and individual complaints submitted by citizens, as well as information from the

Recommendation	*Status of implementation – January 2014*
	non-governmental human rights organizations cooperating with the Team. Whenever they receive information about suspected misconduct, the Team contact the relevant Voivodehsip Police Headquarters in order to obtain detailed information on the case. The Team also continues monitoring the case during the preparatory and judicial proceedings until the issue of final decision by the competent authority. The information collected is analyzed on an ongoing basis and used, inter alia, in reports on the implementation of Poland's international obligations. In 2013, the scope of information received by the Team from the authorities conducting relevant proceedings was extended. In addition to the basic information concerning the type of incident and the procedures used, a description of the alleged victim and perpetrator is also provided. The collected data is analyzed in order to obtain a more accurate picture of the phenomenon which may prove useful when developing a new or improving the existing mechanism for ensuring the observance of human rights by the police. Representatives of the Ministry of the Interior take part in the work of the inter-ministerial Committee for the matters of the European Court of Human Rights. The Department of Control, Complaints, and Petitions of the Ministry of the Interior is responsible for the Minister's supervision over the implementation by the Police and Border Guard of the measures arising out of the rulings of the European Court of Human Rights. The rulings of the European Court of Human Rights concerning the activities of the Polish police are subsequently compiled by the Human Rights Advisors to police academy commanders in the form of concise information and training material. The Internal Affairs Bureau, a special organizational unit operating within the National Police Headquarters, is responsible for combatting offences committed by Police officers. The Bureau (alongside other local units) has the authority to conduct an investigation and operational activities. It cooperates with the organizational units of the prosecutors' offices throughout the country. Each appellate and regional prosecutor's office has appointed a special coordinator for offences committed by Police officers. The Coordinator's task is to monitor and supervise the conduct of proceedings in such cases. Prosecutors and officers from the Internal Affairs Bureau of the National Police Headquarters participate in the running of special annual training courses devoted to the methodology of investigation of such offences.
27. **To take effective action against child poverty (59. Cuba);**	On 28 September 2004, the Council of Ministers adopted the National Scholarship Programme which is the basis of the national policy for equalization of educational opportunities and for designing measures to offset the differences attributable to the students' social background and to support students with special educational needs. The measures implemented under the National Scholarship Programme addressed the following problem areas:

Recommendation	*Status of implementation – January 2014*
	• financial assistance granted to pupils and students within the framework of the general education system • financial assistance granted to students within the framework of the higher education system • financial assistance granted to pupils and students by competent ministers • financial assistance granted under governmental programmes • programmes co-financed from the Community funds • sports scholarships • measures to promote and generate the activity of non-government entities in provision of educational assistance for students (including support for the activities undertaken by local authorities and non–government organizations). The financial assistance scheme for students was introduced by the Act of 16 December 2004 on amendments to the Act on Education System and the Act on Personal Income Tax. The new financial aid scheme for students contains three basis modules: financial assistance of social nature, provided on a continuous basis, financial aid of social and incentive nature provided for a shorter period of time (varied period of time) (Article 90u of the Act on Education System), financial assistance of incentive nature provided on a continuous basis under Article 90g-90j of the Act on Education System, and regulations of the Council of Ministers (Article 90k of the Act on Education System). Amendments to the Act on Education System concerning financial assistance for students, while preserving the governmental programmes financed from the state budget, have introduced new inspiring solutions, so far absent in the education system, which provide the local authorities and non-governmental organizations with the necessary financial assistance to create local and regional programmes for equalization of the educational opportunities and support programmes for gifted students.
28. **To accelerate the completion of the action plan of the Council for Prevention of Racial Discrimination, Xenophobia and Related Intolerance in order to develop a well-planned and coordinated approach to**	In accordance with § 2 subparagraph 2 p. 2 of the Decree of Prime Minister of 13 February 2013 (The Monitor Polski of 15 February 2013, item 79), every two years the Council for Prevention of Racial Discrimination, Xenophobia and Related Intolerance is required to submit to the Council of Ministers, not later than on 31 of January, an Action Plan for the bodies represented in the Council concerning the measures to prevent and combat racial discrimination, xenophobia and related intolerance.

Recommendation	*Status of implementation – January 2014*
combatting racism and xenophobia (61. Indonesia);	The completed this year's action plan was presented to the Council of Ministers. The Ministry of Administration and Digitization is currently working intensively to develop the Framework Programme of Action of the Council for Prevention of Racial Discrimination, Xenophobia and Related Intolerance. The document is likely to be approved by the members of the Council in the third quarter of 2014. Moreover, on 16 September 2013, a Consultative Board was established which performs advisory functions. Members of the Board include mainly representatives of non-governmental organizations acting against all forms of discrimination and intolerance.
29. To intensify the fight against all forms of racism and anti-Semitism, also among police officers (62. Belarus);	One of the key tasks of the Human Rights Protection Team in the Ministry of the Interior is to take action to ensure the adequate level of human rights protections during the performance of tasks by units subordinate to or supervised by the Minister of the Interior. The Team's activities also include monitoring the conduct of Police officers which may sometimes be discriminatory towards the persons they deal with. When they receive notification of such incident, the Team contacts the relevant Police unit to ask for clarification and obtain information about the action taken in connection with the incident. Moreover, the training courses run under the Law Enforcement Officers Programme on combating hate crimes, as well as other training courses delivered in particular Police garrisons are intended to make police officers sensitive to the issues of discrimination, also discrimination of which they themselves, or their colleagues, are perpetrators. An educational guide for trainers at police schools entitled: To serve and protect has been introduced in the Police force in order to help shape the correct attitudes and behaviour among recruits. The guide contains a number of references and examples highlighting the need to respond to bias-motivated behavior. In addition, a vademecum–handbook for the Police officers has been prepared, entitled: People first – anti-discrimination measures in the Police force. The handbook aims to enhance the officers' knowledge and awareness of the issues of anti-discriminatory practice in the police work environment. Changes have been made to the police recruitment rules to enable closer examination of the candidates' attitudes in order to identify prejudice or stereotypes held. A new category named "Attitude to other people" was added to the Individual Observation Sheet used during the recruitment process in order to include the issues related to stereotypes, bias and discrimination. (For more information, please see response to Recommendation no 40, 45, 50, 51)
30. To consider, where necessary, the reinforcement of anti-discrimination strategies and measures, with	The recommendation is being implemented on an ongoing basis through the standard procedures existing in the centres for foreigners as well as through the implementation of a series of projects and programmes addressing particular phenomena. These

Recommendation	*Status of implementation – January 2014*
particular attention to centres for asylum-seekers and as part of the national programme for combatting racial discrimination, xenophobia and related intolerance (63. Ireland);	include preventive measures, responding to specific incidents as well as staff training courses concerning the prevention of exclusion and all forms of discrimination. The recommendations were implemented through the following projects: In 2010 and 2011, the Polish Migration Forum, on the initiative of the Office for Foreigners, carried out a project which involved an information campaign for the local community living in the vicinity of the newly opened centres for asylum seekers in Grotniki k. Zgierza and at Targówek district in Warsaw. Additionally, training was provided to the entire staff of the district police station at Targówek and to a group of volunteers cooperating with the school and the Social Welfare Centre to prepare them for work with foreigners staying at the centre. Regular collaboration was established with the local District Office, which led to further cooperation outside the scope of the project (e.g. participation of the Polish Migration Forum in the district community bonding picnic, inclusion of the foreigners in different events taking place in the district - e.g. inviting women from the centre for foreigners to a concert on the occasion of International Women's Day). The activities continued in 2012 and 2013 in all places hosting centres for foreigners, under the project "Refugees – my neighbours" co-financed by the European Refugee Fund. In 2012, the Halina Nieć Legal Aid Centre, in cooperation with the Office for Foreigners commenced the implementation of a multiannual project "Give them a chance" - Legal and information support to vulnerable asylum seekers and SGBV prevention in centres for asylum seekers in Poland", co-financed by the European Refugee Fund. The goal of the project is to improve the asylum seekers' chances of effective integration by providing free of charge information and legal assistance to foreigners who apply for refugee status. The project covers both the foreigners staying at centres for asylum seekers and outside them. Moreover, the project aims to provide legal aid to vulnerable persons, including the victims of sexual and gender-based violence (SGBV). The Office for Foreigners cooperates with non-governmental organizations in volunteering projects carried out at the centres for foreigners. Two such projects deserve to be highlighted – the activities conducted by the "One World" Association and by the Lublin Volunteering Centre. The initiatives help accelerate the integration process in the society through play and learning activities. Additionally, the Foundation for Education and Creativity in Białystok is implementing a programme entitled "The Youth in Action" which includes a European Voluntary Service project – persons from European countries come centres for foreigners (Białystok and Czerwony Bór) to run activation classes targeting mainly the youngest residents of the centre. In December 2012, training was delivered to the Staff of the Office for Foreigners aimed at increasing their professional competence. The training was organized as part of the project "

Recommendation	*Status of implementation – January 2014*
	Language and task-related training for the staff of the Office for Foreigners (annual programme 2011)" co-financed by the European Refugee Fund. In 2013 , a series of off-site training courses for the staff of the Office for Foreigners was organized under the project. On 26 June 2013, a project entitled "Increasing the efficiency of migration management in Poland" was launched. The project is implemented by the Office for Foreigners in cooperation with the International Organization for Migration and is co-financed by the Swiss funds. The initiative aims to develop migration management competence, promote intercultural dialogue and facilitate migrants' integration through comprehensive action targeting both the migrant and the host communities. In mid-2013, the Office for Foreigners, with the UNHCR cooperation and support, commenced the implementation of a project entitled Response to Vulnerability in Asylum . Its objective is to improve the quality of procedures used for asylum seekers with special needs (medical, psychological needs or the needs of the minors). The project aims to improve the persons' opportunities by taking into consideration their special needs and situation. (For more information, please see response to Recommendation no 40, 45, 50, 51)
31. To ensure the full enjoyment of rights for the LGBT community (67. Spain);	In December 2013, the government adopted the National Programme of Measures for Advancement of Equal Treatment 2013-2016. The Programme is the first government document addressing the issue of equal treatment of groups at risk of discrimination. It lists the key equality measures implemented by the government in different ministries and their subordinate units. The Programme aims to strengthen action to counter physical and psychological violence and hate speech against persons from groups vulnerable to discrimination. One of such groups are the LGBT persons. The Programme envisages the monitoring of hate crimes committed on the grounds of sexual orientation or gender identity as well as the analysis of the acquired information in order to draw up a description of the phenomenon. In addition, the Programme puts forward measures to support groups facing discrimination in the labour market, including discrimination on the grounds of sexual orientation, and to change the biased media portrayal of members of groups vulnerable to unequal treatment.
32. To adopt legislation that recognizes the rights of same-sex couples and of persons who independently define their gender identity as well as the rights of transgender persons (69. Australia); **To adopt legislation enabling same-sex couples to enter into a civil union contract**	For a few years the Polish Parliament has been working on several projects (initiated either by a group of parliamentarians or the Government) concerning the registration of same-sex couples. None of the projects has yet been accepted by the majority of the Parliament. Draft guidelines are being prepared to the draft act amending the Code of Civil Procedure, the Family and Guardianship Code, the Act on Medical and Dental Practitioners and certain other acts. The draft guidelines aim to regulate the procedures for the broadly understood sex reassignment process. This includes in particular such issues as: the diagnosis and treatment of transsexualism,

Recommendation	*Status of implementation – January 2014*
(97. France);	court proceedings concerning the application for sex reassignment and legal consequences of sex reassignment in the child –parent relationships.
33. To consider the introduction of legislative amendments enabling more effective prosecution of crimes of torture and other cruel, inhuman or degrading treatment (72. Peru);	All acts that may amount to torture or other cruel, inhumane or degrading treatment are criminalised under the Polish Criminal Code, prosecuted ex officio and punishable by appropriate penalties which take into account their grave nature. In order to reflect the full gravity of instances of torture the relevant criminal provisions are to be applied cumulatively, thus the perpetrator shall be sentenced on the basis of all concurrent provisions (i.e. infliction of bodily harm, abuse of power by a public official, extortion of a testimony and abuse). Such a flexible approach is part of the tradition of Polish criminal law and proved itself to work well in practice. Therefore, it is not necessary to make legislative changes in this respect. Poland is a party to the UN Convention against Torture and for that reason, regularly and timely submits reports to the UN Committee against Torture concerning the implementation of the Convention. Poland has ratified also the Optional Protocol to the Convention and established the National Preventive Mechanism (within the Ombudsman Office). Poland actively and continually cooperates with the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). CPT delegations have unlimited access to places of detention and the right to move inside such places without restriction. They interview persons deprived of their liberty in private, and communicate freely with anyone who can provide information. The last CPT visit to Poland took place between 4 and 18 June 2013. The relevant personnel of judiciary, prison service and law enforcement agencies receive regular trainings on the protection of human rights inter alia on the prevention of torture, violence and ill-treatment. For example, in 2012, the Prison Service held training for the hundred members of the prison staff on the international standards of protection of detainees and CPT recommendations for the Polish authorities in this respect.
34. Using special procedures of the Human Rights Council, to carry out an in-depth and impartial investigation of all cases of cruel treatment and abusive use of force by the police towards participants of the demonstrations which took place in Poland in November 2011 (73. Belarus);	Crimes committed by Police officers are investigated by the prosecutor (rather than the Police) which guarantees an in-depth and impartial investigation. The General Prosecutor's Office conducts countrywide monitoring of the criminal proceedings concerning all crimes committed by Police officers, including crimes referred to in Article 246 of the Criminal Code (mistreatment to obtain testimony) and Article 247 of the Criminal Code (mistreatment of the persons deprived of liberty). The Internal Affairs Bureau, a special organizational unit operating within the National Police Headquarters, is tasked with detecting crimes committed by Police officers. The unit (alongside other local units) has the authority to conduct internal investigation and operational activities. It cooperates with units of prosecutors' offices throughout the

Recommendation	*Status of implementation – January 2014*
	country dealing with cases concerning Police officers. Each appellate and regional prosecutor's office has appointed a special coordinator for offences committed by Police officers. The Coordinator's task is to monitor and supervise the conduct of proceedings in such cases. Each year, prosecutors and officers from the Internal Affairs Bureau of the National Police Headquarters run special training courses devoted to the methodology of investigation of such offences. As regards the demonstration which took place in November 2011, the proceedings have been carried out against the suspected Police officer. As a result, the District Court of Warsaw – Śródmieście found the suspect guilty of the offence stipulated under Article 231 § 1 of the Criminal Code (abuse of power) in conjunction with Article 217§ 1 of the CC (battery), and sentenced him to 6 month imprisonment, with conditional suspension for a probationary period of 3 years. Moreover, the court ordered prohibition of practicing the professions of police officer, detective and professions related to protection of persons or property for a period of eight years. The verdict is final.
35. Profound reform of the existing outdated and inadequate prison system (91. Spain) **To address the issue of overcrowding of prisons and align the detention conditions with international standards (74. Russian Federation);** **To adopt additional legislative and non-legislative measures to shorten the length of pre-trial detention and alleviate overcrowding in prisons through more frequent application of alternative punishment (75. Austria);** **To take effective action to improve the conditions in prisons and alleviate overcrowding (76. Cuba);** **To intensify efforts to prevent overcrowding in prisons, including through more frequent use of alternative forms of punishment, and to take steps to limit the use of pre-trial detention (77. Ireland);** **To continue efforts to reform**	Numerous activities (both legislative and organizational) have been undertaken to improve the efficiency of the Polish prison system and ensure its full compatibility with international standards. The action is particularly aimed at preventing overcrowding and improving living conditions in prisons. Great importance is attached to regular cooperation with the UN Committee Against Torture (CAT), with the Polish National Preventive Mechanism and with the CPT. The minimum size of living space per prisoner permitted by the Polish law is 3m2. On 7 March 2014, the population density in prisons was 92,5 % of the total consistency. Organizational measures to limit density in prisons and detention centres include: • implementation of investment projects to increase the number of living quarters available to prisoners. • maintaining an equal distribution of population in prisons by transporting prisoners to less crowded prisons. • rational use of living quarters in prison units and cells. During the period 2006-2013, the Prison Service created a total of 17.234 new living quarters in prisons, in the period 2014-2016 further 1.325 quarters are to be created. As for legislative actions, Poland takes effort to substantially change the penal policy by increasingly replacing imprisonment with non-custodial measures. As part of this policy, a possibility has been offered to convicted persons to serve the custodial sentence outside the prison under electronic surveillance in accordance with Act of 7 September 2007 on serving a custodial

Recommendation	*Status of implementation – January 2014*
the justice system in order to improve the management of the system, including steps to guarantee timely trials (87. Republic of Korea); **To ensure that lengthy court proceedings and excessive use of pre-trial detention do not affect the right to fair trial (88. Great Britain);** **To ensure a wider use of technological solutions to reduce delays in court proceedings and increase the efficiency of the judiciary (89. The United States);** **To reform the criminal procedure with a view to eliminating frequent delays related to preventive detention (90. Spain);** **To consider establishing a maximum, non-prolongable period of pre-trial detention, to use alternative measures to pre-trial detention, to take appropriate action to alleviate the concerns and ensure access to legal services in particular to persons in detention (92. India);**	sentence outside a penitentiary under the electronic surveillance system. In August 2013 the Act on electronic surveillance system was extended for an unlimited period of time. As a result, this form of punishment has become a permanent part of the national legal order. At present, the electronic surveillance system has a capacity of 7, 500 persons and further extension is planned. The future of electronic surveillance has been addressed in the prepared guidelines for the draft amendment to the Criminal Code. The guidelines propose a wider use of electronic surveillance in the implementation of penalties and punitive measures, possibly accompanied by preventive and protective measures. There are also plans for more extensive use of electronic surveillance as an independent punishment or a new form of punishment. As regards preventive measures, the government has prepared an amendment to the Code of Criminal Procedure. Changes have been introduced to further limit the use of pre-trial detention, which will definitely result in a smaller number of persons in detention. The amendment prohibits the use of pre-trial detention in the case of offences punishable by deprivation of liberty for up to two years. It also structures the catalogue of legal bases for applying pre-trial detention, so that the premise of strict punishment for the alleged crime is not the sole reason for applying detention. The Ministry of Justice is currently working to introduce the amendment to Criminal Code in order to the change of the philosophy of punishment, by means of more frequent use of noncustodial sanctions (fine, restriction of liberty) used instead of deprivation of liberty whenever it is suitable. The government bill amending the Code of Criminal Procedure aims to shorten the length of criminal proceedings through: • strengthening the adversarial principle of criminal proceedings • significant modification of the model of appeal proceedings – from annulment of the appealed verdict to alteration of the verdict • extending the consensual procedure for termination of criminal proceedings to all types of offences • introduction of the possibility of discontinuing the proceedings (concerning certain crimes against property and crimes involving minor bodily injury) in the case when the offender and the victim reach reconciliation and the offender compensates for damage caused by

Recommendation	*Status of implementation – January 2014*
	the effence. Work is in progress on the draft act amending the Criminal Code, the Code of Civil Procedure and certain other laws with a view to ensuring the efficiency of proceedings. The draft act provides for further computerization of the civil proceedings through the introduction of an electronic document lodgment service, electronic procedure for granting a declaration of enforceability to bank enforcement orders, changes related to the implementation of electronic transcripts of court proceedings, simplification of proceedings by obtaining evidence through remote electronic traffic devices, and changes to electronic writ-of- payment proceedings. Provisions were also made for changes to pre-trial proceedings in order to speed up the court proceedings and restrict the jurisdiction of common courts over civil cases, as well as for changes which will facilitate the enforcement proceedings. Plans include further computerization of the Land and Mortgage Register proceedings by requiring that all entities initiate proceedings through electronic means. Over the recent years, there has been a visible decrease in the number of pre-trial detention cases in Poland. Over the last seven years (2005-2012,) the number has dropped by as much as 45%. The trend continues – during the period 2010-2012 there was a 13.5% drop in pre-trial detentions. At present, Polish law allows pre-trial detention only in duly justified cases and only for the shortest possible length of time. Poland has initiated legislative work with a view to introducing into the Code of Criminal Procedure of even stricter criteria concerning the use and extending the duration of pre-trial detention. The Minister of Justice conducts continuous monitoring of all cases of pre-trial detention lasting more than 2 years. The Code of Criminal Procedure ensures wide access to legal assistance, also for persons deprived of liberty. The Code also provides that in the event of serious offences the accused person must have a defense counsel. If the accused has no defense counsel of his own choice, a public defender is appointed by the court. The amendment to the Code, (which will enter into force on 1 July 2015), also provides the suspicious with the right to request the appointment of a public defender during the prosecutor's proceedings, extends the defender's obligation to participate in such proceedings and introduces the possibility of appointing a public defender for specific activities. The binding law stipulates that each person accused of a crime, including persons deprived of liberty, must have a defense counsel. The amendment (which has been entered into force on 19 December 2013) also restricts the right of the prosecutor to be present during the contacts between the accused and the defense counsel and restricts the possibility of checking the correspondence between the accused and the defense counsel. Thanks to these activities, the judiciary system has become more efficient. It should be stressed that the reports of "The European Justice Scoreboard" and the "Rule of Law Index" of 2013 indicate that Poland has made it to the first five members

Recommendation	*Status of implementation – January 2014*
	states of the European Union with a short duration of recognition of civil, commercial and administrative cases. In such cases the average number of cases filed to Polish courts is equal to the number of cases recognised, and average state allocations for the judiciary amount to around 50 euro per person per annum, which is an average European amount.
36. To prepare a detailed and comprehensive plan for combating gender-based violence and to ensure the necessary measures for its implementation (78. Spain);	Under Polish legal system, every one, irrespective of sex, is entitled to receive protection and assistance. The Act of 29 July 2005 on prevention of violence in the family imposes an obligation on the state to provide equal assistance to all categories of persons affected by violence in the family: women, men, children, the elderly and persons with disabilities. Poland has adopted the National Programme of Measures for the Advancement of Equal Treatment 2013-2016. The Programme puts forward measures to ensure more effective prevention of sexual violence, to promote issues of violence prevention taking into account the gender perspective, to integrate the gender perspective in the training programmes for services engaged in violence prevention, also violence in the family prevention, and to launch a nationwide telephone helpline for victims of such violence in the family. Poland signed the Council of Europe Convention on preventing and combating violence against women and violence in the family in December 2012. Currently, work is carried out on the proposal for ratification of the convention.
37. To ensure easier access to justice for victims of domestic violence (79. Hungary); **To continue to support the process of legislative changes concerning domestic violence by raising public awareness and organizing professional training covering the provisions of the Act on prevention of violence in the family of 2010 in order to ensure effective implementation of those provisions (80. Liechtenstein);** **To ensure that victims of domestic violence have access to suitable assistance, including legal and psychological counselling, medical assistance and shelter (81. Liechtenstein);**	Under the Act on prevention of violence in family, a victim of violence in the family is entitled to free-of-charge assistance in the form of medical, psychological, legal, social, professional and family counselling. As part of the social assistance system, free-of charge specialist counselling is provided by social assistance units, such as social assistance centres, powiat family assistance centres, support centres, crisis intervention centres. Information on counselling services is available on the websites of government institutions and local governments. On 18 December 2012, Poland signed the Council of Europe Convention on preventing and combating violence against women and domestic violence. Currently, work is in progress on the proposal for ratification of the convention. Regular meetings of the Violence in the family Monitoring Team are held. In 2012 the Ministry of Labour and Social Policy in cooperation with the Ministry of Justice prepared a free "Information brochure for victims of violence in the family". The brochure contains a description of the first steps that should be taken in order to ensure the safety of a violence in the family victim, information on the Blue Card procedure, description of the basic rights of a violence in the family victims during criminal proceedings (before the police, prosecutor and the court), during the family proceedings concerning the custody of children and resolving the matters between the spouses (before the court),

Recommendation	*Status of implementation – January 2014*
	during the civil proceedings (before the court), and a description of the rights to social assistance. In 2013, as part of the campaign implemented under the National Programme for Prevention of Violence in the family, the Ministry of Labour and Social Policy in cooperation with the Ministry of Justice and the National Police Headquarters prepared a leaflet entitled The information sheet for persons using violence in the family. On 4 December 2012 and on 24 February 2014, the General Prosecutor's Office, organized two sessions entitled "How to effectively protect the victims of domestic violence? High-risk victims, international standards, the Polish reality" and "Rights of victims of crimes". The sessions' participants included the representatives of state institutions, academia, prosecutors and non-governmental organizations. The sessions were available to the general public through the live broadcast online. Moreover, prosecutors received publications "How effectively protect victims of domestic violence" and "The rights of victims of crimes". Under preparation are three other publications, namely: "Protection of personal data and image of victims of crimes", "Child in a criminal proceedings" and "Commentary to the UE Directive on the rights of victims" Training courses for the first-contact services are conducted on the basis of The guidelines for training in prevention of domestic violence (for the period 2012-2013). The training courses are organized in 16 voivodeships by the Offices of Marshals of voivodeships. The participants include the employees of social assistance centres, poviat family assistance centres, police officers, court-appointed guardians - both professional guardians and social workers, school counsellors, representatives of heath care services, members of the municipal/communal committees for resolution of alcohol-related problems, employees of socio-therapeutic day-care centres, care and educational centres, employees of non-governmental organizations, psychologists, representatives of the clergy, representatives of the municipal, communal and poviat offices responsible for coordination of activity in the field of domestic violence prevention, radio journalists, coordinators of voivodehsip preventive programmes, therapists from addiction treatment centres. The General Prosecutor's Office prepared periodic guidelines concerning the rules of conduct for the public prosecutors' offices in prevention of domestic violence. Under the Act of 29 July 2005 on prevention of domestic violence, such guidelines should be published every two years. The first edition of the guidelines was signed by the General Prosecutor on 21 December 2011, the second one – on 18 December 2013. Work is underway on developing the concept of the Polish model of the "Family Justice Centre". The Ministry of Justice website (http://ms.gov.pl/pl/dzialalnosc/przeciwdzialanie-przemocy-w-rodzinie/) contains an information brochure for domestic violence

Recommendation	*Status of implementation – January 2014*
	victims and a list of institutions which provide assistance in such cases. Violence victims may seek help from the Aid Centres for Victims of Crime and receive free-of-charge legal information or psychological support. The charter of rights of a person affected by domestic violence has been translated into English, Russian, German and French. A programme for Prevention of Violence in the family and Gender-Based Violence is being implemented. One of the Programme's objectives is to reduce the occurrence of violence in the family. Moreover, the local governments and non-governmental organizations may apply for co-financing of the activities under the small grant scheme. As part of the programme for Prevention of Violence in the Family and Gender-Based Violence, a project entitled "The Polish family – free from violence" is being carried out by the Ministry of Labour and Social Policy in partnership with the Council of Europe. One of the goals of the project is to conduct a nationwide information campaign in 2014 to raise the social awareness and sensitivity as regards violence in the family. Information on the programme is available on the przeciwprzemocy.mpips.gov.pl website. In addition, the following activities were undertaken: • a nationwide social campaign entitled: Know your rights. Step out of the shadow. Let the others help you • publication and distribution of an information brochure for the victims with a circulation of 500,000 copies • radio programmes about different crimes and groups of victims, broadcast by the Polish National Radio Channel 1. The Ministry of Justice, in consultation with non-governmental organizations, has established and provides co-financing to sixteen Aid Centres for Victims of Crime in Poland. The centres set up their own branches, thus reinforcing the Aid Network. Currently, there are 51 institutions providing assistance to victims of crime. The level of assistance provided by victim support assistants and volunteers has been enhanced. Moreover, there are 35 specialized support centres for violence in the family victims (women, children, men, elderly, persons with disabilities). The centres ensure that the basic needs of victims are met and provide medical, social, psychological and legal support to the victims. The specialized support centres provide 24/7 assistance free of charge. No referral is required to receive help in support centres. Violence victims may stay at the centre for 3 months, there is a possibility of extending the length of stay. The specialized support centres for violence in the family victims are required to meet specific standards regarding the conduct of intervention actions, therapeutic and support activities as well as

Recommendation	*Status of implementation – January 2014*
	the satisfaction of essential daily needs of violence in the family victims. The victims of violence in the family receive any type of medical care they require due to their state of health, under the general principles of the public healthcare system.
38. To take further measures to guarantee the rights of human trafficking victims, particularly the rights to physical and psychological assistance (82. Chile);	Since 2006, the Minister in charge of the Interior has tasked non-governmental organizations with the provision of protection and support to victims. Since that time, the Programme for support and protection of the victim/witness of trafficking in human beings has also been running. The Programme targets foreign nationals who fall victim to human trafficking. Since 2010, the programme has been implemented as part of the activities of the National Intervention and Consultation Centre for Victims of Trafficking from Poland and abroad. The idea for the Centre was developed by the La Strada Foundation against Trafficking in Human Beings. Since 2013, the Centre has been run by two non-governmental organizations: the La Strada Foundation and the Po-MOC Association, and it operates two shelters for victims. The amount of funding allocated to the Centre from the state budget is steadily increasing. The main tasks of the National Intervention and Consultation Centre include: the identification of victims of human trafficking, intervention actions, running shelters for the victims, providing care to foreigners covered by the programme, as well as providing preventive counselling and consultations for institutions and organizations. The Centre also operates a 24/7 telephone helpline for victims and witnesses of human trafficking. In addition, non-governmental organizations run shelters which provide victims with safe accommodation, including the possibility of isolating the victim (e.g. due to health reasons) and food. Care is provided by professional staff 24/7.
39. To intensify efforts to protect children against violence, cruelty, abuse, demoralization, neglect and other forms of mistreatment (83. Republic of Moldova); **To align the national legislation on the protection of children's rights with the obligations arising under the Convention on the Rights of the Child, particularly as regards child pornography, pornography, and children who fell victim to human trafficking (84. Thailand);** **To adopt and enact laws regarding the sale of children, child pornography and pornography, and other forms of sexual abuse (85.**	The amended Act on Prevention of Violence in the Family entered into force on 1 August 2010. The following changes were introduced: prohibition of the corporal punishment of minors, the possibility of obtaining by violence in the family victims of a free medical certificate stating the causes and type of bodily injury related to violence in the family, the possibility of receiving assistance from specialized support centres for violence in the family victims, provision of comprehensive assistance by interdisciplinary teams and work groups under the Blue Card procedure. Moreover, the amendments allow the court to issue a restraining order prohibiting the offender from approaching or contacting the victim, and an order to leave the apartment occupied jointly with the victim. No less important are the comprehensive measures taken by local governments with a view to preventing violence in the family and protecting the victims as well as changing the behavior of persons using violence by subjecting them to correctional and educational programmes. Since 2006, the National Programme for Prevention of Violence in the family has been implemented. Its main objectives

Recommendation	*Status of implementation – January 2014*
Egypt); **To take immediate steps, including legal measures, to eliminate the sexual abuse of children and coercing minors into prostitution. To ensure that the children who fell victim to human trafficking receive appropriate legal protection during the court proceedings (86. Belarus);**	are: • to change the social perception of violence in the family • to promote family values • to educate children and young people about the consequences of using violence in the family • to promote upbringing without violence. Work on the draft National Programme for Prevention of Violence in the family for the period 2014-2020 has entered its final stage. Action to promote the development of children and young people and to ensure their safety is also taken by the Ministry of National Education. The Ministry undertakes activities both in the field of education aimed at developing healthy relationships with others as well as activities to raise the teachers' competence necessary for granting effective support to students and preventing violence in the family against children. It is essential to detect the problem at an early stage, take intervention measures and provide effective psychological and pedagogical assistance. The Ministry of National Education cooperates with non-governmental organizations, including the Blue Line Association and the Nobody's Children Foundation, to counteract violence and other forms of abuse directed at children and young people. The Nobody's Children Foundation, in cooperation with the Ministry of National Education, carried out a campaign entitled "Don't lose" addressed to potential perpetrators and victims of sexual abuse. Additionally, the Ministry of National Education monitors the phenomenon of peer aggression and school violence and takes a number of steps to improve the safety at schools and educational facilities. To increase the effectiveness of violence prevention at school, the Ministry of National Education disseminates the quality standards for preventive measures and examples of good practice in the form of professional preventive programmes. The Education Development Centre conducts information and educational activity, prepares and publishes numerous titles (including e-guides) which are made available, inter alia, through the www.ore.edu.pl website. In the school year 2012/2013, which was proclaimed by the Minister of National Education as the Year of Safe School, the Coalition for Safe School was established which is composed of non-governmental organizations promoting safety for children and young people. The www.bezpiecznaszkola.men.gov.pl website contains materials which are continually supplemented with new information concerning the safe environment for students and safe behavior of students , i.e. the areas in which the Ministry provides

Recommendation	*Status of implementation – January 2014*
	support to schools. Minors are often the victims of trafficking in human beings. To strengthen the position of human trafficking victims and minors who are victims of sexual crimes, an amendment to the provisions of the criminal procedure law has been prepared. Legislative work is well-advanced to adopt the amendments. The changes include: introduction of the principle whereby a victim of human trafficking or sexual crime who is under 15 may only be subjected to a one-time hearing and only if this is necessary for the case. The hearing takes place in a session in the presence of a psychologist, and is tape-recorded. The same rules apply to the questioning of a witness of such crime who is under 15 years of age. This procedure may also be used to question a victim aged 15-18 years if this is in the victim's best interest. Activities aimed at protecting children against violence, cruelty, abuse, demoralization and neglect are also undertaken by the Ombudsman for Children. The Ombudsman intervenes both in concrete and individual cases of violation of such rights and in situations where the inappropriate treatment of children by authorities and institutions has become daily practice. In the latter case, the Ombudsman issues a general application to relevant authorities demanding that they abandon practices which violate the rights of the child.
40. To facilitate access to lawyers' services, and to ensure that lawyers have easier access to documents concerning criminal cases in order to guarantee the right to fair trial (93. Uzbekistan);	Changes have been made to the provisions under which the accused persons or suspects awaiting the decision on pre-trial detention had restricted access to the files of preparatory proceedings. At present, it is the rule that in the case of initiation by the prosecutor of proceedings concerning the use or extension of pre-trial detention, the accused concerned has the right to view the files of preparatory proceedings on the basis of which the prosecutor submitted the motion for pre-trial detention (Article 156 §5a of the Code of Criminal Procedure). The prosecutor may refuse to grant access to the files in exceptional cases provided for by the law. Further changes of the Code of Criminal Procedure will enter into force on 1 July 2015.
41. To enable Police officers and law enforcement officials to reach the LGBT persons and communities in order to increase the number of reported hate crimes (94. The United States);	On 13 December 2012, the General Prosecutor's Office, organized a session entitled "Victims of hate crime". The session's participants included the representatives of state institutions, academia, prosecutors and non-governmental organizations. The session was available to the general public through the live broadcast online. In 2013, a published version of the session was released under the same title. A representative of the General Prosecutor's Office cooperates with non-governmental organization dealing with the issues of LGBT persons, including the Lambda Association and Campaign Against Homophobia. An application has been prepared for co-financing from the European Commission for the project entitled: "Coming out of the shadow – LGBT victims' rights enhancement" developed by Campaign Against Homophobia.

Recommendation	*Status of implementation – January 2014*
	The Polish Police force take preventive and investigative action to fight against homophobia. There are no plans by the Police to reach the LGBT communities through methods other than prevention, understood as community meetings and awareness campaigns. Owing to the efforts of the Human Rights Adviser to the Chief of the Polish Police, training courses were held in 2010 for the human rights advisers of local Police units. The training was organized by the Campaign Against Homophobia. As part of the training course, a programme of local meetings between the police experts and the LGBT community was prepared. In 2012, police officers took part in a training course organized by the Trans-fuzja Foundation.
42. To take more effective steps to eliminate offences committed by the police, including the establishment of an independent authority examining the offences committed by Police officers (95. Malaysia);	The General Prosecutor's Office conducts countrywide monitoring of the criminal proceedings concerning all crimes committed by Police officers. Each appellate and regional prosecutor's office has appointed a special coordinator for offences committed by Police officers. The Coordinator's task is to monitor and supervise the conduct of proceedings in such cases. The Internal Affairs Bureau, a special organizational unit operating within the National Police Headquarters, is tasked with detecting crimes committed by Police officers. The unit (alongside other local units) has the authority to conduct internal investigation and operational activities. It cooperates with units of the prosecutors' offices throughout the country dealing with cases concerning Police officers. Each year, prosecutors and officers from the Internal Affairs Bureau of the National Police Headquarters participate in the running of special training courses devoted to the methodology of investigation of such offences. To ensure objectivity, the case is handed over, where necessary, to another prosecutor's office without regard to the general principles of territorial jurisdiction. Crimes committed by Police officers are investigated by the prosecutor (rather than the Police) which guarantees an in-depth and impartial investigation. Since January 2010, a mechanism has been in place in the Police force and Border Guard whereby complaints and other information are transmitted to the Ombudsman who acts as an independent authority examining police and Border Guard misconduct. Under the mechanism, two types of information are transmitted to the Office of the Ombudsman. The first type are allegations concerning serious human rights violations contained in the re-submitted complaints about the misconduct of the Police and Border Guard officers. The other type is information about events which, due to an act or omission by an officer, resulted in death, infringement of sexual freedom, or unjustified use of coercive measures or violence. The Office of the Ombudsman, having received the above information, may decide to carry out an independent investigation into a given case, acting under the powers granted to it by the Act on Ombudsman. The following entities are responsible for providing

Recommendation	*Status of implementation – January 2014*
	information to the Ombudsman under the mechanism: the Control Office of the National Police Headquarters (complaints regarding the Police force), the Human Rights Advisor to the Chief of the Polish Police (other information regarding the Police force) and the Human Rights Advisor to the Chief of the Polish Border Guard (complaints and other information regarding the Border Guard). Information is obtained from the relevant Border Guard units in which the incidents took place, or where the complaint was lodged. One of the tasks of the Human Rights Protection Team operating within the Department of Control, Complaints, and Petitions of the Ministry of the Interior is to monitor the situations where the Police officers may have violated the human rights of persons subject to police procedures. The main source of information for the Team are press materials and individual complaints submitted by citizens, as well as information from the non-governmental human rights organizations cooperating with the Team. Representatives of the Ministry of the Interior take part in the work of the inter-ministerial Committee for the matters of the European Court of Human Rights. The rulings of the European Court of Human Rights concerning the activities of the Polish police are subsequently compiled by the Human Rights Advisors to the heads of police academies into concise information and training material. The material is used for instruction of students of police academies and is also sent to voivodeship police headquarters and the Metropolitan Headquarters.
43. To ensure the protection of the basic right of all couples and individuals to decide freely about the number and spacing of children (96. Australia);	In Poland, the right of individuals and couples to decide freely about the number and spacing of children is ensured in a comprehensive manner, through the access to methods and measures of conscious contraception and to sexual education, as well as through the access to infertility treatment by means of all available methods. The Act of 7 January 1993 on family planning, protection of the human foetus and the conditions under which pregnancy termination is permissible stipulates in its preamble that it recognizes the right of everybody to decide responsibly about having children and it imposes an obligation on the state to enable making decisions in this respect. Pursuant to Article 4 of the Act, the issues concerning the sexual life of an individual, principles of conscious and responsible parenthood, the value of the family, life in the prenatal phase, as well as methods and measures of conscious procreation are to be introduced in the core curriculum of schools. Article 2 (2) of the Act lays down that that central government authorities and local governments within the limits of their respective competences, are obliged to provide citizens with free access to methods and measures of conscious procreation. Modern contraceptives which are medicinal products or medical devices, medication and medical devices used during pregnancy and necessary for fetal care and the medical care of the pregnant woman, as well as and drugs and medical devices used for conscious procreation are now registered and available in

Recommendation	*Status of implementation – January 2014*
	Poland. In addition, treatment of infertility by means of all available methods is also covered by public funding.
44. To continue efforts to ensure the birth registration of all children, including the children of undocumented migrants (98. The Holy See);	Provisions of the Act of 29 September 1986 on civil status records do not differentiate between Polish and foreign nationals when it comes to registrations of births. The Act requires that each birth on the territory of Poland be reported and registered in the Polish civil status records. Head of the Registry Office is informed about a birth upon receiving a written notification concerning the birth of a child from the healthcare facility and receiving a notification from the child's parents or another person present at childbirth, e.g. a doctor or midwife. Registration of the birth of a child of illegal or undocumented immigrants does not result in any action been taken by the Head of the Registry Office towards those immigrants. According to the information obtained by the Ministry of the Interior from Civil Affairs Departments of voivodeship offices, which directly supervise the activity of registry offices, there have been no cases of refusals by the heads of registry offices to register the births of children of illegal or undocumented immigrants. In Poland, the birth of a child must be registered within 14 days of the date of birth. Registration of the child is the duty of the father or mother of the child or of another person present at childbirth, e.g. a doctor or a midwife. If the birth took place in a healthcare facility, it is the duty of the facility to report the birth.
45. To continue to protect the natural family and marriage being a union of man and wife as the basic unit of the society, and to protect the right to life (99. The Holy See);	Pursuant to Article 18 of the Polish Constitution, marriage, being a union of a man and a woman, is placed under the protection and care of the Republic of Poland. The fundamental law does not specify the forms and types of this assistance as this remains the task of the current legislation. The Constitution unambiguously regulates the issue by stating that only the union of a man and a woman may be legally recognized as marriage by the state and only such union is currently under the special protection and care of the Republic of Poland.
46. To review Article 212 of the Criminal Code which criminalized defamation, in order to remove it from the Criminal Code (100. Norway);	The Criminal Code provisions on defamation have been reviewed and the justifiability of decriminalization of this offence has been assessed. Positive conclusions were reached as regards the restriction of punishability of such acts and extending the catalogue of circumstances which exempt from criminal liability for such acts. Following the analyses performed in the Ministry of Justice, the provisions regarding defamation in mass media were liberalized by an amendment to the Criminal Code which entered into force on 8 June 2010. The amendment extended the catalogue of circumstances exempting from criminal liability for the dissemination of defamatory allegations and decriminalized the defamation of public figures. The analyses have shown that there are no sufficient grounds for full decriminalization of the crime of defamation.
47. To ensure that all social groups have access to mass media in order to ensure the full enjoyment of the right of	The freedom of speech in Poland is guaranteed to everyone by the Polish Constitution. The recommendation is being implemented on an ongoing basis in line with Poland's international obligations. Still, there activities being conducted

Recommendation	*Status of implementation – January 2014*
freedom of speech (101. The Holy See);	that aims to further facilitate the access to mass media. For example, the Ministry of Culture and National Heritage conducts activities to facilitate access to literary works for disabled persons by encouraging the dialogue between the community of blind and visually impaired persons and the book and press publishers. On 13 December 2012, the Minister of Culture and National Heritage issued a Decree to establish the Team for elaboration of principles for making printed material available to the blind and visually impaired. The Team serves as a platform for discussing and suggesting the ways of facilitating, to the utmost possible level, the access by blind and visually impaired persons to the published works available on the Polish book and press market. During the period 2011 -2013, the Ministry of Culture and National Heritage conducted intensive work with a view to adopting the World Intellectual Property Organisation (WIPO) Treaty on facilitating access to published works for persons who are blind, visually impaired or otherwise print disabled. The content of the Treaty was adopted on 28 June 2013 at the Diplomatic Conference in Marrakesh. Poland was among the 129 countries which signed the Final Act of the Treaty, thus accepting its content. Currently, the Council of Ministers is preparing to adopt a resolution enabling Poland to sign the Treaty and open the ratification procedure. On 2 November 2012, the Press Law Amendment Act of 14 September 2012 entered into force (Journal of Laws of 18 October 2012, item 1136). The objective of the amendment was to clarify that the only form of response to a press release is a correction understood as a statement concerning the factual information provided in a given press release. The purpose of the correction is to respond to information which is false or inaccurate. It is however not possible to respond in this manner to evaluative statements made in the press release which, in the opinion of the entity concerned, are unfair or constitute infringement of its personal rights. On 19 July 2013, the Press Law Amendment Act of 10 May 2013 entered into force. Under the amended Act, the sanction for failure to register a daily newspaper or a periodical was changed from a fine or deprivation of liberty (in accordance with the Act of 6 June 1997 The Code of Criminal Procedure) to a fine. The amendment to the Radio and Television Broadcasting Act of 2011 (hereinafter referred to as the "Act") which transposed the provisions of the Audiovisual Media Services Directive into Polish legislation, imposed an obligation on the media services providers to ensure that their services are gradually made accessible to persons with visual or hearing disabilities. The media services providers are required to ensure that at least 10% of the transmission time, excluding commercials and telesales, is made accessible to persons with disabilities through audio description, subtitles for people with impaired hearing and translation into sign language.
48. To continue to promote the	In December 2013, the Polish government adopted the

Recommendation	*Status of implementation – January 2014*
participation of women in the public and political life of the country (102. Republic of Moldova); **To continue the policy of increasing the number of women in public and political life (103. Romania);** **To continue to take action to ensure wider participation of women in politics, including through awareness campaigns (104. Egypt);** **To implement a series of measures to increase the participation of women in all areas of social life (105. Guatemala);**	National Programme of Measures for the Advancement of Equal Treatment for the period 2013-2016 prepared by the Government Plenipotentiary for Equal Treatment. The document defines the objectives and priorities of activities aimed at advancement of equal treatment, especially in the following areas: 1) raising the public awareness of equal treatment, including the causes and consequences of violation of the principle of equal treatment; 2) preventing violation of the principle of equal treatment 3) cooperation with social partners, non-governmental organizations and other entities with a view to promoting equal treatment. One of the main goals in the area "Equal treatment in the access to goods and services" is to increase the participation of women in the decision-making process. Poland hopes to increase the number of women in the Parliament and local governments. This is to be achieved through such key actions as: actions to strengthen women's political potential (education, mentoring programmes, networking), as well as initiating and conducting a public debate on the advantages of balanced participation of men and women in the political life (with the participation of politicians and representatives of non-governmental organizations).
49. To ensure that women have, at a minimum, the access to legal abortion by developing transparent and legally binding regulations to implement the provisions of the Act on family planning of 1993 (106. Norway); **To clearly define the circumstances under which therapeutic abortion is permissible (107. Slovenia);** **To set up an effective compensation mechanism for women who were unduly deprived of the access to the appropriate services of reproductive medicine (108. Slovenia);** **To examine the possibilities of maximum acceleration of the bureaucratic process required in the case of termination of pregnancy and to intensify efforts to ensure the professional functioning of the process (109. Sweden);**	The circumstances under which termination of pregnancy is permissible in Poland were determined by the Act of 7 January 1993 on family planning, protection of the human fetus and the conditions under which pregnancy termination is permissible. The Act also regulates the issue of woman's consent for abortion and the time limit when the abortion procedure can be performed in the two cases when it is permissible under the law. Moreover, the Act provides that persons covered by social insurance and persons entitled to free health care under other provisions have the right to free pregnancy termination in a public health care facility. Termination of pregnancy may only be performed only by a doctor and only in the case when: • the pregnancy poses a threat to life or health of the pregnant woman • prenatal examination or other medical evidence indicates that there is a high probability of a severe or irreversible fetal defect or incurable illness that threatens the fetus' life • there are reasons to suspect that the pregnancy is a result of an unlawful act. In the first two cases, the termination of pregnancy is performed by a doctor in a hospital and a doctor other than the one who performs abortion ascertains that the circumstances specified in the Act have occurred, unless the pregnancy is a direct threat to the woman's life. Moreover, the Act stipulates that in the event when prenatal examination or other medical evidence indicates that there is a high probability of a severe or irreversible fetal defect or incurable

Recommendation	*Status of implementation – January 2014*
	illness that threatens the fetus' life, it is permissible to terminate the pregnancy until the fetus is capable of living independently outside the body of the pregnant woman. Central government authorities and local governments, within the limits of their respective competences, as specified in particular regulations, are obliged to provide free access to information and prenatal examination, especially when there is an increased risk or suspicion of the occurrence of a genetic or developmental fetal defect or an incurable illness that is a threat to fetus' life. Under the Act of 6 November 2008 on Patients' Rights and the Patients' Ombudsman, the patient has the right to object to a doctor's opinion or decision. The above right may be exercised e.g. by a woman who was denied abortion to which she was legally entitled. An objection to a doctor's opinion or decision may be submitted to the Medical Committee of the Patients' Ombudsman if the opinion or decision affects the patient's rights and/or obligations arising from the law. The Medical Committee to which the objection was submitted must issue its decision without delay, not later that within 30 days of submission of the objection. In the case when the pregnancy poses a threat to life or health of the pregnant woman or when prenatal examination or other medical evidence indicates that there is a high probability of a severe or irreversible fetal defect or incurable illness that threatens the fetus' life, the termination of pregnancy is performed by a doctor in a hospital and a doctor other than the one who performs abortion ascertains that the circumstances specified in the two points have occurred, unless the pregnancy is a direct threat to the woman's life. In the event when there are reasons to suspect that the pregnancy is a result of an unlawful act, the circumstances are ascertained by a public prosecutor, and the pregnancy termination may also only be performed by a doctor. Due to the fact that a time limit for performing an abortion was set in two of those cases, every effort is made to ensure that the doctors and the prosecutor carry out their procedures as quickly as possible to enable the woman to make a decision concerning the exercise of her right to pregnancy termination. Parents to whom a disabled child was born as a result of doctors' culpable infringement of the parents' rights to family planning and pregnancy termination under the Act of 7 January 1993 on family planning have the right to seek compensation for material damage caused by an increase in the cost of supporting a disabled child.
50. To implement reforms giving every citizen the right to the highest attainable standards of health care on the territory of Poland (110. Australia);	The access to high quality health care services is properly regulated by Polish law. Qualitative standards and guidelines are scattered over different pieces of legislation of different categories, mainly acts, ordinances and decrees. The mandatory requirements are enforced in the process of registration of entities seeking to engage in health care activity. The conditions of health care provision were comprehensively regulated by the implementing provisions of the Act of 27 August 2004 on health care services financed from public funds. The provisions regulate

Recommendation	*Status of implementation – January 2014*
	such areas as: basic health care services, specialized out-patient care, in-patient treatment, psychiatric care and treatment of addictions, therapeutic rehabilitation, nursing and long-term care services, dental treatment, treatment in health resorts, supply of medical devices being orthopaedic items and supply of aids, emergency medical service, palliative and hospice care, highly specialized health care services, health programmes. Each regulation specifies for each type of services the requirements relating to the qualifications of the medical staff and to the medical equipment and devices. The entities wishing to improve the standards of their services and the patient's safety beyond the statutory minimum level may seek certification under the accreditation system whose goal is to confirm that the health care facility complies with the accreditation standards.
51. To continue efforts to ensure the equal educational opportunities for children and young people with special educational needs (112. Indonesia);	During the Polish Presidency of the EU Council in the second half of 2011, under the priority "Reducing differences in the health of different European societies", Poland highlighted the problem of communication disorders in children and the need for early detection and treatment of such disorders with a view to enhancing the educational, social and economic chances for the affected children. Poland's efforts resulted in the preparation and unanimous adoption of the project entitled: "Council Conclusions on early detection and treatment of communication disorders in children, including the use of e-Health tools and innovative solutions" The Ministry of National Education creates the necessary organizational and legal framework for the education, upbringing and mentoring support of all children and young people, including those with special educational needs, such as children and youth disabilities, chronic illness, learning difficulties, emotional, behavioral or mental disorders, in kindergartens, all types of mainstream, integration and special schools and in other educational facilities. The decision about the choice of school is made by the child's parents/legal guardians. Since 2008, consistent changes have been introduced regarding the provision of education for students with special educational needs and the provision of psychological and educational assistance to such students. The changes highlighted the individual approach to every child who needs support in order to develop its abilities and interests or overcome difficulties. In 2012, legislative work was initiated with a view to creating a comprehensive support system for kindergartens, schools and educational facilities which would be based on close cooperation of in-service teacher training institutions, psychological and educational counselling centres, and pedagogical libraries in the implementation of activities aimed at providing assistance to schools. The legislative work resulted in the issue by the Minister of National Education of the regulation of 26 October 2012 amending the regulation on in-service teacher training institutions, the regulation of 1 February 2013 on psychological and

Recommendation	*Status of implementation – January 2014*
	educational counselling centres and the regulation of 28 February 2013 on pedagogical libraries. Creation of a joint and coordinated structure of services addressed to schools and educational facilities will improve the quality of the tasks carried out in the field of education, upbringing and care. The Ministry of National Education undertakes activities aimed at increasing the educational chances of students with special educational needs. In 2012, as part of the "Safe and Friendly School" governmental programme, the Ministry of National Education held an open competition for the execution of a public interest task entitled: "Inclusive education for students with special educational needs in mainstream schools, schools with integration classes and integration schools". The competition was addressed to local governments which run kindergartens, schools and educational facilities and non-governmental organizations as well as entities referred to in Article 3(3) of the Act on Public Benefit Activity and Volunteerism. Its goal was to select the most advantageous tenders submitted by entities which will implement in mainstream schools, schools with integration classes and integration schools projects promoting the idea of inclusive education. The Ministry of National Education takes action to ensure wider participation of parents, including the parents of children and youth with disabilities, in the decision-making process concerning the functioning of a school. In 2012, the Parents' Forum was established under the Minister of National Education- a platform enabling parents' organizations to influence the educational policy. The Polish education system also includes such facilities as youth resocialization centres and youth socio-therapy centres whose activity is entirely dedicated to helping children and young people who are socially maladjusted or are at risk of social maladjustment. To improve the quality of educational work of those centres, in 2012 the Ministry of National Education in cooperation with the Education Development Centre organized working meetings for the staff of the youth educational and socio-therapy centres. The purpose of the meetings was to discuss the place and role of youth resocialization centres and socio-therapy centres in the Polish system of social prevention and juvenile rehabilitation, with a view to improving the inter-ministerial cooperation in this area and learning from the experience of non-governmental organizations. An important component of the activities aimed at improving the quality of juvenile rehabilitation was the participation of the Minister of National Education in the work of the Inter-ministerial Team for Improving the Efficiency of the Enforcement of Judgments. Other members of the Team include: the Minister of the Interior, the Minister of Administration and Digitization, the Minister of Labour and Social Policy and the Minister of Health. As part of the Team, a Working Group was established to improve the efficiency of the enforcement of judgments concerning the placement of juveniles in facilities subordinated to the Minister of

Recommendation	*Status of implementation – January 2014*
	National Education and the Minister of Labour and Social Policy. The Group works to develop solutions to optimize the functioning of those facilities. The Ministry of National Education continues the activities initiated in 2010 under the systemic project "Development and implementation of a comprehensive system for working with gifted pupils". An increased amount of time is devoted to working with gifted pupils both within the school system, during classes, and outside the normal school hours. During the period 2010-2013, projects were carried out to implement solutions aimed at individualization of school work.
52. **To intensify the efforts to promote the full integration of the Roma minority into the society in order to improve the general living conditions of the Roma (113. Malaysia);**	Poland has implemented a local pilot programme (Programme for the Roma community in the Małopolskie voivodeship for the years 2001-2004) and a national programme (the governmental Programme for the Roma community in Poland for the years 2004-2013). The programmes covered 8 intervention areas: education, the Roma and the civil society, employment, health, housing, safety and anti-discrimination, culture, knowledge about the Roma community.
53. **To take further steps to promote and protect the human rights of minorities, in particular in the area of health care, employment and housing (114. Mexico);** **To intensify efforts to promote the full integration of the Roma minority into the society and to combat discrimination against the Roma community in order to ensure the enjoyment of economic, social, and cultural rights for its members, in particular in the area of education, employment and housing (115. Chile);** **To continue to support the education of the Roma children, including through increasing the availability of bilingual instruction (116. Liechtenstein);**	Article 68 of the Polish Constitution ensures equal access to health care for all social groups. The public health care system in Poland is based on the principles of solidarity and equal treatment of all insured persons. There is no room for any form of discrimination or favourable treatment of persons belonging to various minority groups. As regards health care, thirty-five health projects worth PLN 582, 405 were implemented during the period 2012-2013 under the Programme for the Roma community in Poland for the years 2004-2013. Housing, i.e. the improvement of the dwellings occupied by the Roma is one of the key tasks of the Programme for the Roma community in Poland for the years 2004-2013. During the period 2012-2013, a total of 102 projects worth PLN 5, 277, 629 were carried out in this area. Moreover, in the years 2012-2013, twenty-six projects to counteract unemployment worth a total of PLN 432, 869 were implemented under the governmental Programme for the Roma community. With regard to education, 806 educational projects worth PLN 10, 989, 512 were implemented during the period 2012-2013 under the Programme for the Roma community in Poland for the years 2004-2013. The tasks were carried out by local governments and non-governmental organizations, including Roma organizations. It needs to be highlighted that the projects in the field of non-formal education received support from the European Social Fund under which Poland created a special sub-measure for the Roma community. Under the applicable law, schools and kindergartens may, if necessary, organize compensatory classes for the Roma pupils and employ Roma education assistants and support teachers. The

Recommendation	*Status of implementation – January 2014*
	authorities responsible for running schools which undertake such activities for the Roma pupils are entitled to receive additional funds as part of the general educational subsidy. It needs to be stressed though that despite the existing legal opportunities, the Roma community is not interested in organizing the courses of the Romani language in public schools. Since 2001, the Polish government has implemented programmes to promote the social integration of the Roma. The programmes carried out so far were comprehensive and covered the following areas: education, improvement of the living conditions, health protection, employment and combatting unemployment, safety, Roma and the civil society, culture and preservation of identity and knowledge about the Roma community. The following numbers illustrate the scope of action taken to promote equal opportunities for the Roma: • annual allocation of funds under the governmental Programme for the Roma community for the years 2004-2013 amounted to PLN 10.7 million (EUR 2.5 million) • annual allocation to the Roma component under the ESF amounted to PLN 12 million (EUR 3 million) • annual amount of the increased educational subsidy exceeded 18 million (EUR 4.3 million). Currently, another governmental document is being prepared – the Programme for the integration of the Roma community in Poland for the years 2014-2020. Additionally, the National Programme of Measures for the Advancement of Equal Treatment also foresees activities to support the Roma as a group at risk of discrimination in the job market and to reduce the barriers in education and facilitate educational advancement of the Roma children. The decrease in funding allocated under the governmental Programme for the Roma community in Poland for the years 2004-2013 to such areas as health and counteracting unemployment is a result of shifting the burden of financing such tasks onto the European Social Fund under which Poland created a separate sub-measure for the Roma community. During the period 2012-2013 ,an amount of more than PLN 27 million (EUR 6.75 million) was spent on 27 projects whose components include: education, economic activation and health care.
54. To ensure the full enjoyment of the right to education for representatives of national minorities, in particular to refrain from closing schools which provide instruction in	Decisions about the setting up, reorganization and closure of schools rest with the authorities responsible for running schools. Government authorities take action to preserve the existing situation of schools which provide minority language instruction. This is done through the transfer of additional funds to the authorities responsible for running such schools (local

Recommendation	*Status of implemeniation – January 2014*
a minority language, to provide adequate funding for such schools and to finance the entire cost of publication of textbooks in languages of ethnic minorities (117. Lithuania);	governments). The amount of funds is determined using the so-called weights of the educational subsidy allocation algorithm. In 2012, the total amount of subsidy paid to local governments to fund minority schools was more than PLN 270,557,000. Moreover, in 2013, additional funding in an amount of PLN 280,376,886 was paid out from the state budget to the authorities responsible for running schools with minority language instruction. The Ministry of National Education provides annual funding for school textbooks and auxiliary books to an extent necessary for the preservation of national, ethnic and language identity. The Ministry of National Education finances all the costs related to the preparation, elaboration and publication of textbooks and auxiliary books intended for students who declare themselves to be members of national and ethnic minorities and of communities using a regional language. Under the Digital School programme, electronic textbooks are being prepared covering the areas of early school education, Polish language, history, history and society, civic education, natural sciences, biology, geography, physics, chemistry, mathematics, computer courses, IT, civil defense training. In addition, 2, 500 complementary educational resources are being developed. E-textbooks produced under the project are intended for instruction in primary schools, lower and upper secondary schools. In terms of educational content, the electronic textbooks meet the same requirements as those applying to traditional textbooks and they cover all the objectives and topics of the core curriculum. All e-textbooks should be ready and made available by September 2015. The textbooks will be available in an open access format which will allow anyone to freely modify the content, including translation into minority languages.
55. **To improve the conditions of detention of children of foreign nationals who seek refugee status and stay in guarded centres on the territory of Poland (118. Russian Federation);** **To take steps to improve the conditions of detention of migrants' children and introduce legal prohibition of detention of such children (121. Belarus);**	Third country citizens seeking refugee status are subject to the provisions of the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland. Pursuant to the Act on Foreigners of 13 June 2003 and Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland, families with children may be placed in a guarded centre for foreigners. Under Article 101a of the Act on Foreigners, an unaccompanied minor may be placed in a care and educational centre. Simultaneously, Article 88 (2) of the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland provides that an unaccompanied minor seeking refugee status may not be placed in a guarded c .ntre for foreigners. This means that in the event of circumstances referred to in both of Acts, in guarded centres may be placed families with children (seeking refugee status or not) and in exceptional cases unaccompanied minors not seeking refugee status. The conditions in the guarded centres for foreigners are fully compliant with the relevant requirements specified in the Ordinance of the Minister of the Interior and Administration of 26 August 2004 on conditions to be met by guarded centres for

Recommendation	*Status of implementation – January 2014*
	foreigners and detention centre for the purpose of deportation as well as on the rules of stay in a guarded centre or a detention centre for the purpose of deportation. In the fourth quarter of 2012, an inspection of guarded centres for foreigners was carried out on the initiative of the Minister of the Interior, with NGO participation. As a result of the inspection, the rules of the functioning of guarded centres were assessed in order to work out an optimum model for the operations of such centres. Consequently, a decision was made to segregate guarded centres according to the categories of foreigners placed there based on the infrastructure and staff available in those centres. Since 2013, the children subject to compulsory education have been exclusively placed in the Guarded Centre for Foreigners in Kętrzyn (which is also the only centre equipped to receive unaccompanied minors) and in the Guarded Centre for Foreigners in Biała Podlaska. The Border Guard which runs guarded centres for foreigners makes every effort to ensure the continuous improvement of the conditions in those centres . This is achieved through financing provided under the European Refugee Fund and the European Return Fund. Thanks to those two mechanisms, it is possible to conduct regular modernization work and buy indispensable equipment, as well as to organize many cultural events, especially for children. To standardize the rules of stay in all centres, uniform Internal rules and regulations have been developed. The abridged and simplified version of this document has been translated in 15 languages. In January and February 2014 a subsequent inspection ordered by the Minister of the Interior was carried out. The NGOs have participated in this inspection as well. The results of inspections carried out by Minister of Interior have shown many confirmative changes being introduced last year directed also in smoothing detention condition mostly for minors. As regards absolute prohibition of the placement of minors, including minors accompanied by their legal guardian, in guarded centres, it must be firmly stated that this is not possible. Such prohibition might lead to an instrumental use of children for the purpose of illegal migration. State authorities have no legal means to properly respond to cases of using children for migration purposes. Introduction of such a solution may only raise concerns regarding a growing number of foreigners who migrate through Poland illegally to other member states. It is to underline that the Act of 12 December 2013 on Foreigners which will enter into force on 1 May 2014 introduces a catalogue of alternative measures to detention which can be employed until the return decision is enforced: • the obligation to report to the relevant authority at specified time intervals

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<tr><th>Recommendation</th><th>Status of implementation – January 2014</th></tr>
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• the obligation to deposit a financial guarantee in an amount not lower than twice the amount of the minimum remuneration
• the obligation to hand the travel document over to the designated authority
• the obligation to stay at a designated place.

An analysis of the statistical data concerning detention of unaccompanied minors and families with children shows that this is measure is used as the last resort and is not a common practice. It should also be emphasized that the number of detentions is continually decreasing.
<table>
<tr><th>Years</th><th>Minors accompanied by parents or legal guardians placed in guarded centres</th><th>Unaccompanied minors placed in guarded centres</th></tr>
<tr><td>2010</td><td>269</td><td>1</td></tr>
<tr><td>2011</td><td>187</td><td>14</td></tr>
<tr><td>2012</td><td>111</td><td>16</td></tr>
<tr><td>2013</td><td>387</td><td>4</td></tr>
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</td></tr>
<tr><td>56. To make every effort to solve the problem of registration of births among illegal migrants (120. Iraq);</td><td>Provisions of the Act of 29 September 1986 on civil status records do not differentiate between Polish and foreign nationals when it comes to registrations of births. The Act requires that each birth on the territory of Poland be reported and registered in the Polish civil status records. Head of the Registry Office is informed about a birth upon receiving a written notification concerning the birth of a child from the healthcare facility and receiving a notification from the persons referred to in Article 39 of the Act, i.e. the child's parents or another person present at childbirth, e.g. a doctor or midwife. Registration of the birth of a child of illegal or undocumented immigrants does not result in any action been taken by the Head of the Registry Office towards those immigrants. According to the information obtained by the Ministry of the Interior from Civil Affairs Departments of voivodeship offices, which directly supervise the activity of registry offices, there have been no cases of refusals by the heads of registry offices to register births of children of illegal or undocumented immigrants.</td></tr>
<tr><td>57. To ensure more transparent conduct of an ongoing investigation concerning the alleged existence on the</td><td>The present information is subject to restrictions due to the rule of confidentiality of pre-trial proceedings, which applies to all investigations carried out by Polish law enforcement agencies. The Appellate Prosecutor's Office in Krakow which conducts an</td></tr>
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Recommendation	*Status of implementation – January 2014*
Polish territory of secret detention centres and the transport of prisoners in connection with the fight against terrorism (122. Switzerland); **To conduct an in-depth, independent and effective investigation into Poland's participation in the CIA programme which involved extrajudicial seizure and secret detention of persons. To make public the findings of the investigation and bring the perpetrators to justice (123. Cuba);** **To conduct a comprehensive and transparent investigation into all cases of human rights violations in connection with fight against terrorism, in particular to investigate the participation of Polish authorities in rendition and prolonged secret detention of persons and possibly subjecting them to torture. To bring to justice the officials involved in such offences (124. Belarus);**	investigation in connection with alleged offence committed under Article 231 § 1 of the Criminal Code and other offences related to the alleged abuse of power by state officials, acting to the detriment of the public interest in connection with the alleged use of the Polish territory by the US Central Intelligence Agency to transport and illegally detain terror suspects in a secret detention facility, makes every effort to cooperate, to the greatest possible extent, with non-governmental organizations (e.g. Polish section of Amnesty International, Helsinki Foundation of Human Rights) and provide, insofar as this is possible, the general public with information concerning the investigation. The extent of the cooperation with NGO's is determined by the obligation to respect the presumption of innocence principle found in all contemporary legal systems. The current practice of the prosecutor authorities in all cases in which preparatory proceedings are conducted leans towards disclosing full information to the media and general public about pending proceedings once the indictment is filed. The scope of the conducted investigation as to persons in the light of alleged offences reported during different periods covers three persons: a certain A.A.H.M.A.A.N., a certain Z.A.A.M.H. and a certain W.M.S.M.A. During the entire period of investigation, 64 persons have been interrogated in the case. The evidence has been collected in 43 volumes of files (as a rule, one volume has 200 file cards) and this number is continuously growing as new evidence from documents is obtained. The legal issues being as complex as they are, experts on international public law were consulted in order to provide answers to questions concerning international law regulations dealing with the establishment and operation of detention facilities for terror suspects and the status of such persons. 7 requests for international legal assistance were made, including to the United States. In the course of the proceedings, a request for important information was also sent to the International Committee of the Red Cross. During the investigation, the Appellate Prosecutor's Office in Krakow maintains regular correspondence and working contacts with a number of state institutions, e.g. the Chancellery of the President of Poland, the Chancellery of the Prime Minister, Ministry of Foreign Affairs, Intelligence Agency and Internal Security Agency, President of Polish Air Navigation Services and Chief of the Border Guard. The Prosecutor's Office also cooperates with such international institutions and organizations as European Center for Constitutional and Human Rights, President of the International Committee of the Red Cross, Commissioner for Human Rights of the Council of Europe.

** The draft Foreigners Act is expected to enter into force on 1 May 2014*